UNIVERSITY OF CALIFORNIA
RIVERSIDE

"A Separate and Distinct Tribal Entity:" The Resilience of the Modoc Nation of Oklahoma

A Dissertation submitted in partial satisfaction
of the requirements for the degree of

Doctor of Philosophy

in

History

by

Ethan Paul Gauthier

June 2025

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The Dissertation of Ethan Paul Gauthier is approved:

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Dedication

In loving memory of my Kiwi grandfather, Dr. Horace Raymond Moore, who inspired me to pursue my Ph. D in something I am passionate about and encouraged me to keep moving forward in life.

ABSTRACT OF THE DISSERTATION

"A Separate and Distinct Tribal Entity:" The Resilience of the Modoc Nation of Oklahoma

by

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Doctor of Philosophy, Graduate Program in History
University of California, Riverside, June 2025
Dr. Clifford E. Trafzer, Chairperson

From January to June 1873, a band of Modoc Natives fought the United States Army in the Lava Beds of Northern California over control of their homeland in what became known as the Modoc War. The war ended after their leader Kintpuash surrendered to the Army, who imprisoned him and the band at Fort Klamath in Oregon. In October, soldiers hanged Kintpuash and three other Modoc Natives and removed his band to Indian Territory. Despite being removed far from their ancestral home, the band rebuilt their community in Indian Territory/Oklahoma. They continued their traditions, like consensus-based voting and collectively-recognized or elected leadership, and adapted new ones, like allotment and agriculture. When challenges arose, the band turned to their traditions and fellow community members to support one another. Overall, the

Modoc band kept its community together in California and Indian Territory/Oklahoma because their members amended and maintained their social and political traditions.

Although most histories of the Modoc people focus on the Modoc War and end with the removal of Kintpuash's band to Indian Territory in 1873, this manuscript reveals that Modoc history continued after 1873. It is an ethnohistory that expands the geographic and historiographic narrative of the Native people by focusing on Modoc experiences in California, Oklahoma, and to some extent Oregon, outside of and after the Modoc War. To ensure that this history is told correctly and respectfully, the author collaborated with the Modoc Nation of Oklahoma, the subject of this manuscript. The author especially collaborated with published historian and tribal elder Cheewa James, and the cultural preservationist officers for the Modoc Nation, Syd Colombe and Rachael Blackstone (Cherokee). These individuals provided the author with input and constructive criticism that greatly benefited this manuscript and to which the author is extremely grateful. This manuscript could not have been written without their help.

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Introduction

On September 27, 1977, in Washington, D. C., a delegation of Native leaders of four Native nations in northeastern Oklahoma and their legal representatives testified in front of the United States Senate in support of Senate Bill 661, which outlined the restoration of the sovereignty of the four nations: the Peoria, the Ottawa, the Wyandotte, and the Modoc Tribes. During the 1950s, the federal government terminated these and countless other Native nations across the United States as part of the then-federal Indian policy of termination to hasten the assimilation of Native communities. These four tribal nations banded together and fought for their restoration, in which they sent delegates to Washington, D. C. to lobby to be restored.[1]

One of these delegates was Bill Follis, the Chief of the Modoc Tribe. After he testified, he submitted his response to the Senate, in which he detailed the history of his nation and why they wanted to be restored. His response revealed something that made the Modoc Tribe stand out from the other tribal nations: the Modoc Indians were originally from Northern California. According to Follis, during the nineteenth century, the United States consolidated the Modoc people into a tribal nation with two other Native communities – the Klamath Indians and Yahooskin Paiutes – called the Klamath Tribe and removed them to a reservation in Oregon. However, one Modoc band, the ancestors of the Modoc Tribe, moved back to California. Their leader was Kintpuash,

[1] Donald L. Fixico, *Indian Resilience and Rebuilding: Indigenous Nations in the Modern American West* (Tucson: University of Arizona Press, 2013), 99-100; *Hearing Before the United States Senate Select Committee on Indian Affairs Ninety-Fifth Congress, First Session on S. 661 To Restore Federal Recognition of Certain Indian Tribes, and For Other Purposes, September 27, 1977* (Washington, D. C.: U. S. Government Printing Office, 1977), 1-16, Google books.

who negotiated with the United States on their behalf. In 1873, the band fought the United States Army in Northern California in the Modoc War, which ended after according to Follis, officials captured Kintpuash and his "men followers" (in reality, Kintpuash and his family surrendered to soldiers and Native scouts). After the war, military officials executed Kintpuash and a few other Modoc Natives for their actions against the United States during the war. As for Kintpuash's band, soldiers and federal officials forcibly removed them to Indian Territory, which later became Oklahoma in 1907.[2]

According to Follis, the band rebuilt their community in the Southwest. In 1909, the federal government reenrolled the Modoc band in the Klamath Tribe and allowed them to return to Oregon, but most of the band remained in Oklahoma since they had made it their home. During the 1950s, the United States terminated the Klamath Tribe, and the band lost their sovereignty. Despite this, as Follis detailed, the Modoc Natives relied on their political traditions to fight for restoration. They held tribal meetings, directly elected political leaders, and adopted a constitution that reflected these and other traditions. Follis pointed out that although they lost their federal status, the band always "maintained a strong identity with our ancestors" and hoped to be restored as what he

[2] Roxanne Dunbar-Ortiz, *An Indigenous Peoples' History of the United States* (Boston: Beacon Press, 2014), 159; Bill Follis, "Modoc Tribe," in *Hearing before the United States Senate Select Committee on Indian Affairs Ninety-Fifth Congress First Session on S. 661 To restore Federal recognition of certain Indian tribes, and for other purposes*, September 27, 1977 (Washington, D. C.: Government Printing Office, 1977), 82-4, Google books; Jefferson C. Davis Riddle, *The Indian History of the Modoc War and the Causes That Led to It* (1914 repr., Mechanicsburg. PA: Stackpole Books, 2004), 150.

described a "separate and distinct tribal entity." Indeed, the Modoc Tribe was always Modoc since they kept their community together and maintained their traditions.[3]

As Chief Follis described, the story of the Modoc Tribe, who today call themselves the Modoc Nation of Oklahoma, is a story of Indigenous resilience and survival. The Native nation experienced all sorts of events and outside forces in California and Indian Territory/Oklahoma that affected or impacted the community in some way. Yet even as this band experienced genocide, ethnic cleansing, pressured assimilation, and termination, the band persevered because they consistently turned to their social and political traditions that emphasized community. These traditions, which Modoc Natives amended and maintained, kept the band together in California and Oklahoma.

Organized into eight chapters and an epilogue, this manuscript is an ethnohistory that explores how the Modoc band that fought the United States in the Modoc War of 1873 and was removed to Indian Territory after the war kept its community together in California and Indian Territory/Oklahoma. It examines three major themes: violence, Native resilience, and Native nationhood/sovereignty. It utilizes published primary sources by both American and Native authors, including letters of correspondence, published histories, and government documents, as well as oral histories by Modoc and other Indigenous narrators. This blend of American and Indigenous sources presents the story of the Modoc band from their perspective.

[3] Follis, "Modoc Tribe," in *Hearing*, September 27, 1977, 84-5, Google books.

This approach expands the geographic and historiographic narrative of the Modoc people. While most research projects have focused on the Modoc War in California, this manuscript discusses the Modoc experience not just in California, but also in Indian Territory/Oklahoma, and to some extent, Oregon. It focuses on the Modoc people beyond the war, and more significantly, examines Modoc life after 1873. Except for some projects like the text *Modoc: The Tribe That Wouldn't Die* by Modoc historian Cheewa James, most projects end at 1873.[4] This manuscript demonstrates that Modoc history continued after 1873 and was shaped by Modoc Natives themselves. Indeed, this manuscript centers Modoc Natives, especially members of Kintpuash's band, as active agents who responded to changes and events in their lifetimes and took advantage of opportunities to improve their livelihoods. They acted not just as soldiers as much of the historical literature has depicted them, but as political leaders, diplomats, farmers,

[4] Except for some anthropologic or ethnographic texts about the Native people, and two journal articles about the Modoc band's first years in Indian Territory, much of the historical literature of the Modoc people has focused primarily on the Modoc War and as opposed to the Native people themselves. Cheewa James bucks this trend in her text *Modoc: The Tribe That Wouldn't Die* (Happy Camp, CA: Naturegraph Publishers, Inc., 2008). It is a general history of the Modoc people – her community – that is divided into three parts: the Modoc War, the post-war, and an ethnography that explores the cultural history of the Modoc people. It is geared toward a public audience and while it does not explore the accommodations made by Modoc Natives after the war in a close and analytical approach in her post-war section (as well as jump around different dates), it is an excellent book for anyone interested in learning about the Native people. Her text is also the inspiration for this project and stands out from much of the historical literature since she looks beyond 1873. For more information on the Modoc people outside of the Modoc War, see "The Modocs and the Jones Family Indian Ring: Quaker Administration of the Quapaw Agency, 1873-1879" by Albert Hurtado in *Oklahoma's Forgotten Indians* (Oklahoma City: Oklahoma History Society, 1981) edited by Robert E. Smith, 86-107; "The Modoc in Indian Territory" by Lucille Martin in *The Northwestern Tribes in Exile* (Sacramento: Sierra Oaks Publishing Co., 1987) edited by Cliff Trafzer, 16-26; *Ancient Modocs of California and Oregon* (Portland: Binford & Mort, 1979) by Carrol B. Howe, and *Primitive Pragmatists: The Modoc Indians of Northern California* (Seattle: University of Washington Press, 1961) by Verne F. Ray. For research on the Klamath Tribes of Oregon, which included the Modoc, see *The Klamath Tribes: A People and Their Reservation* (Seattle: University of Washington Press, 1965) by Theodore Stern. For research related to public memory and historiography of the Modoc War, see *Remembering the Modoc War: Redemptive Violence and the Making of American Innocence* (Chapel Hill: University of North Carolina Press, 2014) by Boyd Cothran.

laborers, and entrepreneurs.[5] Overall, Modoc Natives shaped their own history, and this agency is the story of this manuscript.

Chapters One through Three explore the theme of violence. They discuss the social lives of Modoc Natives and analyze how they adapted to the arrival of American settlers in California and Oregon. Most significantly, these chapters examine how Modoc Natives responded to state violence in their homelands, especially the California Indian genocide and Modoc War.[6] These chapters build upon the historical scholarship of how

[5] Two books about the Modoc War, *Spirit in the Rock: The Fierce Battle for Modoc Homelands* (Pullman: Washington State University Press, 2014) by Jim Compton and *The Modoc War: A Story of Genocide at the Dawn of America's Gilded* Age (Lincoln: University of Nebraska Press, 2017) by Robert McNally buck this historiographic trend a bit by dedicating chapters to the Modoc side of the war in their texts. Although both authors depict Modoc Natives as soldiers, they acknowledge the diplomacy of Kintpuash in their books. This manuscript expands upon their research methods by focusing primarily on the political agency of Kintpuash and other Modoc Natives before, during, and after the Modoc War.

[6] For more information on the California Indian genocide, see *Murder State: California's Native American Genocide, 1846-1873* (Lincoln: University of Nebraska Press, 2012) by Brendan C. Lindsay, *An American Genocide: The United States and the California Indian Catastrophe* (New Haven: Yale University Press, 2016) by Benjamin Madley, *Genocide in Northwestern California: When Our Worlds Cried* (San Francisco: The Indian Historian Press, 1979) by Jack Norton, *"Exterminate Them!" Written Accounts of the Murder, Rape, and Enslavement of Native Americans during the California Gold Rush* (Lansing: Michigan State University Press, 1999) edited by Clifford E. Trafzer and Joel R. Hyer; *Indians of California: The Changing Image* (Norman: University of Oklahoma Press, 1984) by James J. Rawls; and *The Other Californians: Prejudices and Discrimination under Spain, Mexico, and the United States to 1920* (Berkeley: University of California Press, 1971) by Robert F. Heizer and Alan J. Almquist. For more information on Native agency during the California Indian genocide, see *Indian Survival on the California Frontier* (New Haven: Yale University Press, 1988) by Albert Hurtado. For books and other related projects about the Modoc War, see *Spirit in the Rock: The Fierce Battle for Modoc Homelands* (Pullman: Washington State University Press, 2014) by Jim Compton; *Burnt-Out Fires: California's Modoc Indian War* (1973, repr., Sanger, CA: The Wright Thought, Inc., 2012) by Richard H. Dillon; *Modoc: The Tribe That Wouldn't Die* (Happy Camp, CA: Naturegraph Publishers, Inc., 2008) by Cheewa James; *The Modoc War: A Story of Genocide at the Dawn of America's Gilded Age* (Lincoln: University of Nebraska Press, 2017) by Robert Aquinas McNally; "California and Oregon's Modoc Indians: How Indigenous Resistance Camouflages Genocide in Colonial Histories" by Benjamin Madley in *Colonial Genocide in Indigenous North America* (Durham: Duke University Press, 2014), edited by Andrew Woolford, Jeff Benvenuto, and Alexander Laban Hinton; *Hell With the Fire Out: A History of the Modoc War* (Boston: Faber and Faber, Inc., 1997) by Arthur Quinn, *Modoc War: Its Military History & Topography* (1971, repr., Peoria, IL: Cosmoline Press, 2014) by Edwin H. Thompson; *The Modocs and their War* (1959, repr., Norman: University of Oklahoma Press, 2001) by Keith A. Murray; and *The Indian History of the Modoc War and the Causes That Led to It* (1914, repr., Mechanicsburg, PA: Stackpole Books 2004) by Jefferson C. Davis Riddle.

violence shaped Native American and Euro American relationships in the American West by examining the Indigenous agency of the Modoc Natives as they resisted or responded to actors of state violence, especially settler militiamen, vigilante killers, and the United States Army. These chapters build upon the historical literature by authors including Ned Blackhawk, Brendan Lindsay, Benjamin Madley, Jack Norton, and Karl Jacoby.[7]

Chapters Four through Six explore the theme of resilience. These chapters discuss how Kintpuash's band rebuilt their community in Indian Territory. They examine the socioeconomic accommodations the band made to adapt to the Southwest and the challenges they experienced, such as illnesses and deaths in their community. They also discuss how these Modoc Natives maintained or made accommodations to their social and political traditions as they kept their community together. These chapters build upon the larger historiographic field of Native resilience, especially the scholarship by authors including William J. Bauer, Jr., Rebecca Kugel, and Clifford E. Trafzer.[8]

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[7] For more information on violence, especially how violence shaped Native American and Euro-American relationships in the American West, see *The Conquest of Texas: Ethnic Cleansing in the Promised Land, 1820-1875* (Norman: University of Oklahoma Press, 2005) by Gary Clayton Anderson; *Violence Over the Land: Indians and Empires in the Early American West* (Cambridge, MA: Harvard University Press, 2006) by Ned Blackhawk; *Shadows at Dawn: An Apache Massacre and the Violence of History* (New York: Penguin Books, 2008) by Karl Jacoby; *An American Genocide: The United States and the California Indian Catastrophe* (New Haven: Yale University Press, 2016) by Benjamin Madley; *Genocide in Northwestern California: When Our Worlds Cried* (San Francisco: Indian Historian Press, 1979) by Jack Norton; and *The Kit Carson Campaign: The Last Great Navajo War* (Norman: University of Oklahoma Press, 1982) by Clifford E. Trafzer.

[8] For more information on Native resilience, see *"We Were All Like Migrant Workers Here" Work, Community, and Memory on California's Round Valley Reservation, 1850-1941* (Chapel Hill: University of North Carolina Press, 2009), by William J. Baurer Jr,; *The Apache Diaspora: Four Centuries of Displacement and Survival* (Philadelphia: University of Pennsylvania Press, 2021) by Paul Conrad; *To Be The Main Leaders of Our Own People: A History of Minnesota Ojibwe Politics, 1825-1898* (Lansing: Michigan State Press, 1998) by Rebecca Kugel; *Indian Survival on the California Frontier* (New Haven: Yale University Press, 1988) by Albert Hurtado; *Surviving Genocide: Native Nations and the United States from the American Revolution to Bleeding Kansas* (New Haven: Yale University Press, 2019) by Jeffrey Ostler; *Chiefs and Challengers: Indian Resistance and Cooperation in Southern California, 1769-1906* (2nd ed. Norman: University of Oklahoma Press, 2014) by George Harwood Phillips; *We Are Not Animals:*

Chapters Seven and Eight explore the theme of Native nationhood. They examine how Modoc Natives in Oregon and Oklahoma turned to their political traditions to negotiate with the United States. These chapters also explore how the Modoc band in Oklahoma rebuilt its nation and fought to be restored through their traditions and accommodations. They contribute to the larger field of Native nationhood and build upon the work of authors including Maurice Crandall, Elizabeth N. Ellis, Joshua L. Reid, and Jeffrey P. Shepherd. These chapters demonstrate that Modoc Natives were skilled political leaders who relied on their traditions and accommodations to fight for their restoration and rebuild their tribal nation[9]

Indigenous Politics of Survival, Rebellion, and Reconstitution in Nineteenth Century California (Lincoln: University of Nebraska Press, 2022) by Martin Rizzo-Martinez; *Journey to the West: The Alabama and Coushatta Indians* (Norman: University of Oklahoma Press, 2008) by Sheri Marie Shuck-Hall; *Indian Women and French Men: Rethinking Cultural Encounter in the Western Great Lakes* (Boston: University of Massachusetts Press, 2001) by Susan Sleeper-Smith; *Indigenous Prosperity and American Conquest: Indian Women of the Ohio River Valley, 1690-1792* (Chapel Hill: University of North Carolina Press, 2018) by Susan Sleeper-Smith; and *A Chemehuevi Song: The Resilience of a Southern Paiute Tribe* (Seattle: University of Washington Press, 2015) by Clifford E. Trafzer.

[9] For more information on Native sovereignty and nationhood, see *Basket Diplomacy: Leadership, Alliance-Building, and Resilience among the Coushatta Tribe of Louisiana, 1884-1984* (Lincoln: University of Nebraska Press, 2020), by Denise E. Bates; *Becoming Catawba: Catawba Indian Women and Nation-Building, 1540-1840* (Tuscaloosa: University of Alabama Press, 2023) by Brooke M. Bauer; *These People Have Always Been a Republic: Indigenous Electorates in the U.S.-Mexico Borderlands, 1598-1912* (Chapel Hill: University of North Carolina Press, 2019) by Maurice Crandall; *Demanding the Cherokee Nation: Indian Autonomy and American Culture, 1830-1900* (Lincoln: University of Nebraska Press, 2004) by Andrew Densen; *Native Nations: A Millennium in North America* (New York: Random House, 2024) by Kathleen DuVal; *The Great Power of Small Nations: Indigenous Diplomacy in the Gulf Coast* (Philadelphia: University of Pennsylvania Press, 2022) by Elizabeth N. Ellis; *Arapahoe Politics, 1851-1978: Symbols in Crises of Authority* (Lincoln: University of Nebraska Press, 1986) by Loretta Fowler; *Coming Full Circle: The Seneca Nation of Indians, 1848-1934* (Norman: University of Oklahoma Press, 2019) by Laurence M. Hauptman; *Parading through History: The making of the Crow Nation in America, 1805-1935* (New York: Cambridge University Press, 1995) by Frederick E. Hoxie; *Choctaw Resurgence in Mississippi: Race, Class, and Nation Building in the Jim Crow South, 1830-1977* (Lincoln: University of Nebraska Press, 2014) by Katherine M. B. Osbourn; *The Sea is My Country: The Maritime World of the Makahs* (New Haven: Yale University Press, 2015) by Joshua L. Reid; and *We Are An Indian Nation: A History of the Hualapai People* (Tucson: University of Arizona Press, 2010) by Jeffrey P. Shepherd.

The manuscript concludes with an epilogue that discusses the Modoc Tribe, now the Modoc Nation, since their restoration in 1978. It explores the further socioeconomic endeavors of the nation, as well as how the nation preserves the culture and history of the Modoc people. It also examines the relationship between the Modoc Nation and the Klamath Tribes, which the United States restored in 1986, and how both Native nations work together on cultural projects to honor their shared history. The epilogue brings the story of the Modoc band to a full circle by illustrating how far the nation has come since the nineteenth century and how they have persevered and will continue to do so.

Chapter 1: A Gift from Kumash: The Modoc World

Long before American settlers arrived in the West, the Modoc people maintained their space in California and Oregon. These Natives took care of their world because they considered it a gift from their creator, Kumash. Politically speaking, the Modoc lived in autonomous bands, each with its own leader and community. Each band solved their issues through holding assemblies and voting by consensus. Although violence was not the center of Modoc society, about once or twice a year bands sent war parties to attack and raid other Indians like the Pit River people for captives to sell to other Natives in Oregon in exchange for resources, or to avenge previous campaigns against the Modoc. Outside of raids and political assemblies, Modoc Natives gambled and competed in athletics with one another and with other bands, which illustrated intertribal bonds among the autonomous band polities. Overall, the Modoc people maintained their place in the Pacific Northwest by practicing social and political traditions that kept communities together.

The Modoc people had long called Northern California and Southern Oregon their home. Archaeological findings indicate Modoc Natives have lived in the Pacific Northwest since 5000 BCE, although according to the Modoc Nation's late tribal historian Patricia Trolinger, the Natives had been living in the region "From prehistoric times dating back some 15,000 years."[10] In other words, Modoc Natives had lived in the West for a very long time. The Modoc were a small group of people. According to

[10] Patricia Truggs Trolinger, "History of the Modoc Tribe of Oklahoma," 1; Theodore Stern, "Klamath and Modoc," in 446.

Cheewa James, a Modoc elder and historian, there were about four hundred to eight hundred Modoc Indians living in the Pacific Northwest before the arrival of American settlers.[11]

Modoc Indians mostly resided in Northern California around Tule and Clear Lakes and Lost River, though some lived in Southern Oregon around Lower Klamath Lake and the Sprague River. "Modoc" came from the word they called themselves: *Móatakini*, which meant "Southerners" because they lived south of their linguistic cousins, the Klamath people of Oregon. They also called themselves *Maklaks*, or "people." Both the Modoc and the Klamath peoples lived closely together and called themselves *Maklaks*, but according to Toby Riddle – a cousin of Kintpuash and translator for the Army during the Modoc War – in an oral history for ethnologist Albert Samuel Gatschet conducted in 1875, before Americans arrived in the West, the Modoc separated from the Klamath to form their own community. Toby estimated this split to be about "seven times ten years now," meaning it would have been sometime around 1805. Alfred Meacham, the Superintendent of Indian Affairs for Oregon during the late 1860s and ally of the Modoc, also discussed this split in his memoir *Wigwam and Warpath*, which he published in 1875. According to Meacham, the Modoc split from the Klamath around the time of the American Revolution, which would put this political division around the late eighteenth century.[12] Although both accounts give different dates, they indicate that the

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[11] James, *Modoc*, 268.

[12] Compton, *Spirit in the Rock*, 11-3; Albert Samuel Gatschet, *The Klamath Indians of Southwestern Oregon* (Washington: Government Printing Office, 1890), xxxiv; Alfred B. Meacham, *Wigwam and Warpath*, 289-92, 295; McNally, *The Modoc War*, 21; Toby Riddle, "Early Traditional History of Modocs and Captain Wright's Massacre," 1875, interview by Albert Samuel Gatschet, in Albert Samuel Gatschet, *The Klamath Indians of Southwestern Oregon* (Washington, D. C.: Government Printing Office, 1890), 13.

Modoc saw themselves as their own people from the Klamath and split from them before Americans arrived in the West.

The Native people lived as seminomadic hunter-gatherers. They moved in seasonal rounds and travelled to gathering areas where women harvested edible plants and men hunted animals. During winter, most of the people lived in winter lodges made out of earth called *wikiups* while men hunted for bears and antelope. In the spring, the Native people dismantled their winter homes and moved close to rivers and streams, where men fished for salmon, trout, and large suckers. During the summer and fall, the men hunted for animals like deer, antelope, and bighorn sheep and continued to fish. From spring to fall, women gathered edible plants, roots, and berries while the Native people lived in brush homes they made out of willow and tule brush. Around October, the Modoc returned to their winter spots and rebuilt their winter homes. In addition to these wikiups, Modoc Natives lived in the Lava Beds of Northern California. Located south of Tule Lake, the Lava Beds were a sacred site for the Native people because they believed that spirits lived within these rocks. To take care of their natural world, Modoc Indians engaged in different traditional ecological knowledge practices, like prescribed burns and seed scattering, which strengthened the natural environment. Indeed, everyone in Modoc society contributed to their communities in some way or another.[13]

[13] Anderson, *Tending the Wild*, 262-3, 279; Compton, *Spirit in the Rock*, 11-3; Deur, *In the Footprints of Gmukamps*, 157-62; James, "Cheewa James Oral History," interview by California Museum, March 25, 2011, video, 2:22-40, https://www.youtube.com/watch?v=24xog279C78; James, *Modoc*, 271-2; Kroeber, *Handbook of the Indians of California*, 323-6, 327-8; McNally, *Modoc War*, 16, 20-2; Powers, *Tribes of California*, 255-6; Stern, "Klamath and Modoc," 448-50.

The Modoc were a politically minded people who relied on negotiation and diplomacy to resolve conflicts. According to Cheewa James, a contemporary Modoc historian, the Modoc lived in autonomous bands scattered across the California-Oregon border. Each band was led by a *laGi*, which translated to "leader," and only men could serve as laGis.[14] Modoc Natives voted for a laGi through consensus, which reflected the democratic nature of the band. Sometimes a man became recognized as the leader of his band if he demonstrated skills in public speaking and diplomacy. The laGi was not a warrior, nor had to be one. Instead, the laGi served as a diplomat or mediator who heard and solved any disputes peacefully that arose in his band. If an issue arose, he would call together an assembly of Modoc Natives who discussed how to solve it. These assemblies were not formal political bodies, and both men and women participated. Modoc Natives voted on decisions through consensus, and while women could not vote, they still participated in decision making. If the laGi fell out of favor with his people, or his people wanted a new leader, then they voted for a new one through voice consensus. This illustrated what Cheewa James termed in an oral history with the California Museum in 2011 as "one of America's first, maybe greatest democracy."[15] Indeed, Modoc Natives were politically savvy.

Despite living in autonomous bands, Modoc Natives connected with one another through social outings, especially gambling and athletics. Modoc Indians gambled with each other within their respective bands and against other bands. The Modoc had a word

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[14] Rachael Blackstone, email to the author, September 12, 2024.
[15] James, "Cheewa James Oral History," interview by California Museum, March 25, 2011, video, 2:37-49, https://www.youtube.com/watch?v=24xog279C78; James, *Modoc*, 268-9; Meacham, *Wigwam and Warpath*, 291-2; Ray, *Primitive Pragmatists*, 3-8, 42-3.

for gambling, which was *ca'qla*, which also meant non-athletic recreation. For Modoc Indians, their main gambling outing was the hand game, which they played with each other. According to Cheewa James, in the hand game, players used "marked gaming pieces called bones" that were parts of deer horn or bone, or even a tree. Two players participated in this event, and the hand game was a guessing game. In the game, the bone pieces were used in two pairs – one pair that was plain, and the other pair that was marked with black or buckskin at its center. The game held up to two players, and each player held a pair of bones that the opposing player had to guess. In addition to gambling, Modoc Natives competed in sports with each other, especially in a ball-kicking game that resembled soccer. In this game, two teams of five or six players on a field would try to kick a ball made out of buckskin or grass into the opposing team's pair of posts or arch. Even Modoc children played sports with each other and had laughing contests with one another. Overall, gambling, and any form of recreation, was a major source of socialization for Modoc Indians.[16]

When Modoc Natives did not compete with each other, they tended to their communities. Within each band, men, women, and children each contributed to their community in some way. Men mostly did woodworking and made tools of bone, wood, and obsidian. Men also made canoes, although sometimes a woman could make her own canoe if necessary. Women wove baskets, made clothing, and made cordage for the men to make their fishing nets. Both men and women built fires and dressed hides. Although men did most of the toolmaking, the fact that women made the ropes for the men to make

[16] James, *Modoc*, 279-80; Ray, *Primitive Pragmatists*, 123, 128-9.

their nets illustrated that Modoc men and women worked together in traditional Modoc society.[17]

Children also contributed in Modoc society. Older children looked after younger ones and babies so that the mother could be free to work on other duties. Children carried water and food if older adults were busy and someone asked the children to do it. Even when not asked to do a task, children learned from watching their parents work, which served as education for them. Boys learned how to make bows and arrows while girls learned to make baskets. Girls often accompanied their mothers to gather edible berries and seeds, and boys accompanied their fathers on hunting trips. Boys, however, could not eat the first game they killed – the adults would bring the game back to their band to dress and eat, but the boy who killed the game did not receive anything. Any game he hunted after his first game he could eat, which taught the boy how to hunt and care for the community. Outside of labor, Modoc adults educated children and younger ones about their culture. Children learned oral narratives from adults, and learned to respect adults and not fight with each other. Overall, Modoc men, women, and children contributed something to their community since everyone looked out for one another.[18]

The Modoc were strongly attached to their homeland because they believed it was gifted to them by their creator, Kumash, who personally created them to care for the world.[19] An ethnographer named Jeremiah Curtin learned about this narrative from

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[17] Ray, *Primitive Pragmatists*, 106, 110; Stern, "Klamath and Modoc," 452-3.
[18] Ray, *Primitive Pragmatists*, 106, 110; Stern, "Klamath and Modoc," 452-3.
[19] Depending on the source, Kumash has also been identified as Gmukamps, Kumookumts, or Kumokums. Douglas Deur and Robert McNally identify the Modoc and Klamath Creator as Gmukamps in their respective texts *In the Footprints of Gmukamps: A Traditional Use of Study of Crater Lake National Park and Lava Beds National Monument* (2008) and *The Modoc War: A Story of Genocide at the Dawn of*

Modoc Natives that he consulted for his research, and included the narrative in his text *Modoc Myths and Legends*. According to the Modoc creation narrative, Kumash left Tule Lake to wander the Earth. He returned home with his daughter, and found that all the people he created were dead. He made his daughter ten dresses, and one of them was her burial dress. His daughter dreamt a vision of her death, and Kumash became devastated. His daughter asked for the burial dress, but when Kumash gave it to her he would not let go. The daughter told him to let go, explaining that her spirit would leave her body and go west to the spirit world underneath the Earth. Kumash finally let go, but told her he would go with her and leave his body on Earth. He took his daughter's hand after she put on the dress, and although he did not die, his spirit left his body and traveled with his daughter to the spirit world.[20]

America's Gilded Age (2017). Cheewa James and Verne F. Ray refer to the Modoc creator as "Kumookumts" in their respective texts *Modoc: The Tribe That Wouldn't Die* (2008) and *Primitive Pragmatists: The Modoc Indians of Northern California* (1963). In an oral history with Alice Mariott, a Modoc woman named Evangeline Schonchin identified the Modoc creator as "Kumokums." According to Rachael Blackstone (Cherokee), a historic preservation officer for the Modoc Nation of Oklahoma in a Microsoft Teams meeting with the author on September 26, 2024, the Modoc Nation identifies Kumash as the Creator of the Modoc people. Although the Creator has four different names, he is the same Creator of the Modoc. However, to honor and respect the cultural history of the Modoc Nation of Oklahoma, and for the sake of consistency, this manuscript acknowledges Kumash as the Modoc Creator.

[20] "Kumash and his Daughter," in *Myths of the Modocs* by Jeremiah Curtin (Boston: Little, Brown, and Company, 1912), 39-43. There are two versions of the Modoc creation narrative, this one being the first. According to the second creation narrative, nothing existed at the beginning of time except for Kumash (who is called either Gmukamps, Kumookumts, or Kumokums, depending on the source) and Tule Lake. Kumash took mud from Tule Lake, which he then flattened into a disk and shaped the world's features with his fingers. This narrative stated that Kumash created the Modoc and other people by either plucking hair from his armpits or scattering seeds. After he finished his work, Kumookumts covered himself with mud and went to sleep under Tule Lake. A Modoc woman named Evangeline Schonchin dictated this narrative to the anthropologist Alice Marriot, who included it in her and Carol Rachlin's edited volume of Native oral histories, *American Indian Mythology*. Four scholars have referred to this specific narrative in their respective projects: the late anthropologist Verne F. Ray in his text *Primitive Pragmatists: The Modoc Indians of Northern California* (1963), the contemporary Modoc elder and historian Cheewa James in her ethnohistory *Modoc: The Tribe That Wouldn't Die* (2008), the contemporary anthropologist Douglas Deur in his text *In the Footprints of Gmukamps: A Traditional Use of Study of Crater Lake National Park and Lava Beds National Monument* (2008), and the contemporary freelance author Robert Aquinas McNally in his history of the Modoc War, *The Modoc War: A Story of Genocide at the Dawn of America's Gilded Age*

Kumash kept his eyes closed because his daughter told him if he opened them, he could not go with her. The two reached the spirit world which was an underground house. They could not see anything at first, but heard the voices of the spirits, who greeted his daughter. According to the narrative, at sunset, Kumash shrunk himself small enough for his daughter to place him in a crack in the corner of the house, and "made a mist before his eyes." When it became dark, the keeper of the house, Wus-Kumash made a fire in the center of the house, and all the spirits came out. They circled around Kumash's daughter, danced and sang around her for five nights. During the day, the spirits went back to their own places and became bones. Wus-Kumash gave Kumash's daughter crawfish and goose eggs, and when she ate them, she became bones. Her spirit then joined her father in the corner.[21]

On the sixth day, Kumash grew tired of the underworld and wanted to leave, but not without taking some spirits to create the people of the upper world/Earth. Wus-Kumash told Kumash that the spirits wanted to kill him because he had not yet died. Kumash told Wus-Kumash that they could not kill him and that "If they should kill me, it would only be for a little while. I should come to life again.'" As soon as the spirits, who were bones, heard this, they rose up at Kumash in his corner to try to kill him, but he dodged their attacks. After Kumash told his daughter he would leave for the upper world, he took her bones and carefully selected the bones of the spirits. He put the bones in a

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(2017). In the same Microsoft Teams meeting with the author on September 26, 2024, Rachael Blackstone explained that the Modoc Nation identifies the narrative of Kumash and the bones to be their official creation narrative. For more about the narrative of mud, see "How the World Was Made," in *American Indian Mythology*, edited by Alice Marriott and Carol K. Rachlin (New York: Thomas Y. Crowell Company, 1968), 28-9

[21] "Kumash and his Daughter," 39-43.

basket that he placed on his back and left east to go home. This was not an easy journey for the Creator because the spirits in their bone forms kept trying to kill him, and the basket fell, which caused the bones to become spirits. The spirits fell back into the house and became bones again.[22]

Kumash did not give up. He traveled back to the house and collected the bones again. But when he was halfway up to the Earth, he slipped and fell. The bones became spirits and the spirits fell back to the house, where they became bones again. For the second time, Kumash traveled down and collected the bones, and although the bones tried to kill him, he made it back to the upperworld. As soon as he reached the surface, Kumash took the bones and threw them in various directions. As he scattered the bones, he named them and told them what kinds of Natives they would be. For the Shastas, they would be "good fighters," while the Warm Springs and Pit River Indians would be "brave warriors," respectively. For the Klamath, he told them they would be like women and "easy to frighten." The last bones he threw were the Modoc Indians, and told them they would "be bravest of all." They would care for the world, and though they would be small, they would kill any people who would come against them. Kumash then named the kinds of animals the Indians would eat for food, and as they appeared, Kumash instructed the men to hunt for animals and the women to gather wood and roots and cook. After all of this, he took his daughter to the edge of the world where the sun rose and traveled on

[22] "Kumash and his Daughter," 43.

this road until he reached the middle of the sky. He stopped there and built his house, where he now lived.[23]

This creation narrative explained important aspects of Modoc society. It explained how the Modoc and other Native peoples came to be, and the descriptions of non-Modoc Natives illustrated how Modoc people interpreted their Indigenous neighbors. The creation narrative outlined gender roles of Modoc society, specifically how men and women would contribute to their communities. But the most significant message of the narrative was Kumash's instructions to the Modoc, which were that they would "keep my place when I am gone." This clearly stated that Kumash created the Modoc to care for his world he made, and that he viewed them as his chosen people.[24]

In this world gifted to them by Kumash, Modoc Natives looked to their religious leader for spiritual guidance. The religious leader was called a shaman, and each band had one. The shaman was not a gendered role because although men normally served as shamans, women could become them after they reached menopause, and both men and women became shamans in the later parts of their lives. The shaman was said to have great powers, such as changing the weather, and could communicate with spirits. These religious leaders carved their medicine into the rock to preserve their powers. They were also the healer or doctor for the band, and people turned to them to treat their afflictions.[25]

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[23] "Kumash and his Daughter," 43-5.
[24] "Kumash and his Daughter," 45.
[25] Ray, *Primitive Pragmatists*, 31-6, 37-41, 42-3, 45.

Normally one would have dreams that called on them to become a shaman, and then they would embark on a spiritual quest for five days. These quests took place during the spring or summer. On this quest, the novice would sleep in pits and dream of spirits that would educate him/her of the "spiritual world." By the end of the fifth day, the seeker would fall unconscious and have a vision of a spirit resembling a skeleton that instructed the novice to fast so they can prepare to become a shaman. After seeing this vision, the novice would fast for five days and experience more spirits visiting them, who would instruct the seeker on how to perform their songs, thus providing them spiritual powers. After these visions ended, the novice was initiated as the shaman of the Modoc band in a ceremony that lasted for four days, five if there was enough food. At the end of the ceremony, the shaman would recite songs to a crowd of people to demonstrate their abilities. Shamans were well-respected in Modoc society because of their abilities to connect with the spirits and help their communities with their problems as well as understand their world.[26]

Within this world lived other Native peoples whom Modoc Natives fought. Although diplomacy was a primary tradition for the Native people, sometimes Modoc Natives fought other Indians. Modoc bands never fought each other. Instead, Modoc Natives attacked or raided other Indians like the Pit River and Shasta peoples who lived south of them out of revenge for previous attacks against them. They also raided to capture Indians to sell as captives to other Natives in Oregon, especially Klamath and Warm Springs Natives, for resources like horses and guns. Modoc warfare against other

[26] Compton, *Spirit in the Rock*, 13; Ray, *Primitive Pragmatists*, 31-6, 37-41, 42-3, 45.

Natives took place about once or twice a year, and attacks against other Natives were swift yet violent. Each band sent a war party made up of ten to a hundred Modoc Natives led by a war leader, who served as the military leader of his respective band. The laGi never joined nor led a war party because diplomacy was his responsibility as the civil leader for his band. In fact, he had the power to call an assembly to stop the war leader from organizing a war party, but this rarely happened because of potential conflicts between military and political leadership. Any Modoc could join a war party, and no band had a fulltime war party as their standing army since war parties were made up of new participants each year.[27]

Modoc war parties attacked Native villages quickly and violently. Modoc Natives killed men and captured women and children to either sell as captives to other Natives or adopt into their own communities. These attacks lasted for an hour or two, and once the fighting was over, war parties quickly returned home because according to anthropologist Ray Verne, a "principle of Modoc warfare" was to immediately return home as fast as possible.[28] After Modoc parties returned with their captives, they would mostly trade them to Klamath Indians, who then sold them to other Indians in Oregon. However, sometimes Modoc Natives directly sold their captives to Oregon Natives like the Warm Springs people or traveled up to Dalles near the Columbia River to sell their captives for resources, like horses. Unsold captives were adopted into Modoc families, and these captives became part of the community. For the Modoc, raiding was a means to

[27] Ray, *Primitive Pragmatists*, 134-9.
[28] Ray, *Primitive Pragmatists*, 139, 142.

participate in the captive or slave trade economy in the Pacific Northwest to obtain resources, as well as maintain their communities.[29]

The Modoc especially raided Pit River Natives because of broken diplomacy between both peoples that took place long before the arrival of American settlers in the West. Like the Modoc, the Pit River Indians lived in autonomous units called tribelets, each one led by a chief. They called themselves the Achomawi, or "river-dwellers." According to an oral history by an Achomawi Indian conducted by the American photographer and ethnographer Edward S. Curtis, at one point long before the arrival of settlers, Pit River and Modoc Indians were allies against the Paiute Natives of northeastern California because Paiutes constantly attacked and killed the Achomawi. The Modoc and Achomawi teamed up with Warm Springs Indians from Oregon and Atsugewi Natives from California, who were related to the Achomawi and frequently intermarried with them, and fought off Paiutes. However, the Modoc-Achomawi alliance collapsed after Achomawi Natives killed three Modoc Indians after one of the Modoc Natives took the wife of an Achomawi Indian. After this, Modoc and Pit River Indians sent war parties to each other to kill their adversaries and take captives. However, Modoc Natives emerged as the stronger group because of the ferocity of their war party and captive raiding campaigns against the Achomawi. According to the Achomawi informant,

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[29] Boyd Cothran, "Lúgsh and Laláki: Slaves, Chiefs, Medicine Men, and the Indigenous Political Landscape of the Upper Klamath Basin, 1820s-1860s," in *Linking the Histories of Slavery: North America and Its Borderlands*, edited by Bonnie Martin and James F. Brooks, (Santa Fe: School for Advanced Research Press, 2015), 97-100, 105- 7; Alice Bay Maloney and John Work, "Fur Brigade to the Bonaventura: John Work's California Expedition of 1832-3 for the Hudson Bay Company," *California Historical Quarterly* 22, no. 3 (September 1943): 210-11, accessed January 27, 2022, https://www.jstor.org/stable/25155793; Stephen Powers, *Tribes of California* (1877; repr., Berkeley: University of California Press, 1976), 254; Ray, *Primitive Pragmatists*, 134-45; *Gmukamps*, 12.

Achomawi Natives tried to re-establish diplomacy with the Modoc three times by sending chiefs with "offers of shell money and girls," but the attempts failed because hawkish warriors broke these offers.[30] Overall, although diplomacy dominated violence in traditional Modoc society since the Native people preferred negotiations over war to solve issues, Modoc Natives annually raided other Indians for revenge and to obtain resources.

The Modoc world was special to the Native people. Their creator gifted it to the Modoc, who created them to care for it. Within this world, Modoc Natives lived in autonomous polities, but united to compete against each other in gambling or athletic competitions. Within their bands, men, women, and children each contributed to their communities, and adults educated children about their culture. LaGis kept these bands together through diplomacy to solve issues, and shamans provided medical and spiritual advice. Although violence was not a central pillar of Modoc society, sometimes Modoc Natives fought or raided other Indians as revenge for previous campaigns against them, or to engage in a significant captive/slave trade economy to obtain resources. Overall, Modoc social and political traditions kept the Native people together in their ancestral homeland because they emphasized the importance of helping one another. These traditions would be tested with the arrival of American settlers.

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[30] Edward S. Curtis, *The North American Indian: Being a Series of Volumes Picturing and Describing the Indians of the United States, The Dominion of Canada and Alaska*, Vol. 13: *The Hupa. The Yurok. The Karok. The Wiyot. Tolowa and Tututni. The Shasta. The Achomawi. The Klamath* edited by Frederick Webb Hodges (Norwood, MA: Plimpton Press, 1924), 130.

Chapter 2: Adapt and React: Modoc Agency during the California Indian Genocide

The Modoc people's lives changed forever during the mid-nineteenth century, when American settlers invaded Modoc territories and stole or destroyed the Native people's natural resources. The Modoc responded by reinventing their socioeconomic livelihoods, in which some Natives became fulltime labors for white settlers or raided settlers for resources.[31] In response to Modoc raids, Americans raised militias and killed Modoc Indians wherever they encountered them. These militias were part of a larger, statewide extermination campaign known today as the California Indian genocide, in which vigilante killers, militiamen, and United States Army soldiers attacked and killed California Natives, including the Modoc, in the hopes of exterminating the Indigenous inhabitants of the state and stealing their lands and resources.[32] Although Euro-Americans

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[31] Major F. A. Boutelle, "Major Boutelle's Account of His Duel with Scar-Faced Charley in the First Engagement," in *Northwestern Fights and Fighters*, by Cyrus Townshend Brady (1907; repr., Lincoln: University of Nebraska Press, 1979), 270; "Brief Glances," *Alta California* (San Francisco), August 20, 1856, 2, https://infoweb-newsbank-com.us1.proxy.openathens.net/apps/readex/doc?p=EANX&sort=YMD_date%3AA&fld-base-0=alltext&val-base-0=%22brief%20glances%22&val-database-0=&fld-database-0=database&fld-nav-0=YMD_date&val-nav-0=&docref=image/v2%3A111FCA65E54609B8%40EANX-11AE50A9B4294580%402399182-11AE50A9CB0CBC40%401-11AE50AA246F06C0%40Brief%2BGlances&firsthit=yes; Compton, *Spirit in the Rock*, 22; A. L. Kroeber, *Handbook of the Indians of California* (1925, repr., New York: Dover Publications, Inc, 1976) 323-6, 327-8; "Indians," *San Joaquin Republican* (Stockton), July 16, 1856, 2, https://cdnc.ucr.edu/?a=d&d=SRP18560716.2.9&srpos=24&e=------185-en--20--21--txt-txIN-%22modoc%22-------+1; "Indian Depredations," *San Joaquin Republican* (Stockton), August 27, 1856, 2, https://cdnc.ucr.edu/?a=d&d=SRP18560827.2.8&srpos=12&e=------185-en--20-SRP-1--txt-txIN-indian+depredations----1856---1; "Indian Depredations in the North," *Sacramento Daily Union*, August 5, 1856, 1, https://cdnc.ucr.edu/?a=d&d=SDU18560805.2.2&srpos=3&e=-------en--20--1--txt-txIN-%22indian+depredations+in+the+north%22-------; James, "Cheewa James Oral History," interview by California Museum, March 25, 2011; video, 3:01-28, https://www.youtube.com/watch?v=24xog279C78; Robert Acquinas McNally, *The Modoc War: A Story of Genocide at the Dawn of America's Gilded Age* (Lincoln: University of Nebraska Press, 2017), 72-7; Riddle, *Indian History*, 17-8; Theodore Stern, "Klamath and Modoc," in *Handbook of North American Indians*, Vol. 2, *Plateau*, edited by Deward E. Walker Jr., (Washington, D. C.: Smithsonian Institution, 1998), 448-50.

[32] "A Bounty Offered for Indian Scalps," 1861, in *The Destruction of California Indians*, edited by Robert Heizer, (1974; repr., Lincoln: University of Nebraska Press, 1993), 268-9; John Bigler to Gen. E. Hitchcock, April 8, 1852, in *"Exterminate Them!" Written Accounts of the Murder, Rape, and Enslavement*

attempted to exterminate the Native people, Modoc Indians constantly resisted settler genocide. Some Modoc Indians counterattacked militiamen who hunted them or continued to raid settlers and settler towns. Other Modoc Indians like Kintpuash met with Americans and negotiated peace with them to end violence between the settlers and Modoc.[33] Overall, American settlers attempted to exterminate the Modoc and other

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of Native Americans during the California Gold Rush, edited by Clifford E. Trafzer and Joel R. Hyer (Lansing: Michigan State University Press, 1999), 152-3; Peter Burnett, "State of the State Address" (speech, Sacramento, CA, January 6, 1851), The Governor's Gallery, accessed March 12, 2022, https://governors.library.ca.gov/addresses/s_01-Burnett2.html; "Clear Lake Indian War," *Weekly Butte Record* (Oroville), October 11, 1856, 2, https://cdnc.ucr.edu/?a=d&d=WBR18561011.2.6&srpos=2&e=-------en--20--1--txt-txIN-%22clear+lake+indian+war%22-------; General E.A. Hitchcock to Adjunct General, March 31, 1853, in *The Destruction of California Indians*, edited by Robert Heizer, (1974; repr., Lincoln: University of Nebraska Press, 1993) 247-8; "LETTER FROM OREGON," *Sacramento Daily Union*, May 12, 1873, 1, https://cdnc.ucr.edu/?a=d&d=SDU18730506.2.21&srpos=9&e=------187-en--20-SDU-1--txt-txIN-%22LETTER+FROM+OREGON%22----1873---; Benjamin Madley, *An American Genocide: The United States and the California Indian Catastrophe* (New Haven: Yale University Press, 2016), 1-15, 201-2,213-7, 247-50, 250-4.

[33] D. R. Calhoon, "Statement of D. R. Calhoon," November 13, 1854, in US House of Representatives Misc. Doc. 47, 36-8; Geo. L. Curry to Gen. Joseph Lane, September 20, 1854, in US House of Representatives Misc. Doc. 47, 9-10; C. S. Drew to His Excellency Jno. W. Davis, July 7, 1854, in US House of Representatives Misc. Doc. 47, 3-5; C. S. Drew to Assistant Adjunct General, "Report of Lieut. Col. Charles S. Drew, First Oregon Calvary," July 6, 1864, in *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* vol. 50, pt. 1, (1897; repr., Harrisburg: Historical Times, Inc., 1985), 381; "From the Interior," *Sacramento Daily Unio*n, September 16, 1852, 3, https://cdnc.ucr.edu/?a=d&d=SDU18520916&e=-------en--20--1--txt-txIN--------; Debra Riddle Herrera, "Debra Riddle Herrera Oral History," interview by California Museum, uploaded to YouTube March 25, 2011, video, 0:27-1:50, https://www.youtube.com/watch?v=mpiCAm_TA20; J. W. Perit Huntington, December 10, 1864, in *Report for the Commissioner of Indian Affairs for the Year 1865* (Washington, D. C.: Government Printing Office, 1865), 101-4; J. W. Perit Huntington, "Brief of treaty with Klamath and Modoc Indians of Southern Oregon of October 15, 1864," December 10, 1864, in *Report for the Commissioner of Indian Affairs for the Year 1865* (Washington, D. C.: Government Printing Office, 1865), 104-5; "Later from Modoc County," *Trinity Journal* (Weaverville, CA), August 30, 1856, 2, https://cdnc.ucr.edu/?a=d&d=TJ18560830.2.30&srpos=18&e=------185-en--20--1--txt-txIN-%22modoc%22---- 1856---1; "Indian Affairs in the North," *Sacramento Daily Union*, September 17, 1856, 1, https://cdnc.ucr.edu/?a=d&d=SDU18560917.2.2&srpos=1&e=------185-en--20--1--txt-txIN-%22indian+affairs+in+the+north%22----185; "Indian Massacre," *Daily Alta California* (San Francisco), October 12, 1859, 2, https://cdnc.ucr.edu/?a=d&d=DAC18591012.2.16&srpos=3&e=------185-en--20--1--txt-txIN-%22indian+massacre%22----1859---; "Indian War in Siskiyou: Expedition Against the Modocs – Lieut. Warman and Sergt. Alban Killed," *Daily Alta California* (San Francisco), August 12, 1856, 1, https://cdnc.ucr.edu/?a=d&d=DAC18560812.2.2&srpos=2&e=------185-en--20--1--txt-txIN-clear+lake+indian+war-------; "Indian War in Siskiyou," *New York Tribune*, September 15, 1856, 6, https://www.proquest.com/docview/570401666/fulltextPDF/1F9F059589F24216PQ/1?accountid=14521&sourcetype=Historical%20Newspapers; Madley, *An American Genocide*, 247-50; Geo. F. Price to Capt. R. W. Kirkham, June 13, 1862, in *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* vol. 50, pt. 1, (1897; repr., Harrisburg: Historical Times, Inc., 1985), 1137-

California Indians in statewide genocidal campaign supported by the federal, state, and local governments, but Modoc Natives constantly responded to and resisted the California Indian genocide to ensure their survival. Indeed, because of their responses, which included making accommodations to their livelihoods, counterattacking genocidal militiamen, and engaging in diplomacy with American settlers, the Modoc Natives saved themselves from total annihilation.

Modoc Natives' lives changed when white settlers arrived in their territories, though not quite suddenly at first. The Modoc first interacted with British-Canadian fur trappers from the Hudson Bay Company who traveled through the Pacific Northwest during the 1820s and 1830s. Modoc Natives helped guide the trappers through their territories, and the trappers never established a fort or permanent settlement in Modoc

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8; John B. Rohrer, Wm. Ritchie, Joseph Basey, [and 24 others] to Brig. Gen. E. V. Sumner, U.S. Army, June 10, 1861, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* vol. 50, pt. 1, (1897; repr., Harrisburg: Historical Times, Inc., 1985), 507-8; William F. Strobridge, *Regulars in the Redwoods: The U. S. Army in Northern California, 1852-1861* (Spokane: The Arthur H. Clark Company, 1994), 214; "The Campaign Against The Indians Of The North," *Sacramento Daily Union*, October 21, 1856, 2, https://cdnc.ucr.edu/?a=d&d=SDU18561021&e=-------en--20--1--txt-txIN--------; "The Clear Lake Indian Expedition," *Sacramento Daily Union*, September 2, 1856, 1, https://cdnc.ucr.edu/?a=d&d=SDU18560902.2.4&srpos=3&e=------185-en--20--1--txttxIN-The+Clear+Lake+Indian+Expedition----1856---1; "The Clear Lake Indian War," *Daily Alta California* (San Francisco), October 9, 1856, 2, https://cdnc.ucr.edu/?a=d&d=DAC18561009.2.12&srpos=25&e=------185-en--20--21-- txt-txIN-clear+lake----1856---1; "The Indian War at the North," *Sacramento Daily Union*, October 17, 1856, 2, https://cdnc.ucr.edu/?a=d&d=SDU18561017.2.9&e=-------en--20--1--txt-txIN--------; "The Indian War in the North – Desperate Fighting," *San Joaquin Republican* (Stockton), August 14, 1856, 3, https://cdnc.ucr.edu/?a=d&d=SRP18560814.2.11&e=------185-en--20-SRP-1--txt-txIN-+indian+war+in+the+north-------; E. W. Potter, D. Kean, and E. S. Steele, *To the Indians now assembled*, February 14, 1864, in *Annual Report of the Commissioner of Indian Affairs for the year1864* (Washington, D. C.: Government Printing Office, 1865), 109-10; Jesse Walker to Colonel John E. Ross, November 6, 1854, in US House of Representatives Misc. Doc. 47, 12-4; John S. Ward, H. S. Bonette, M.D., and John H. Neale to Capt. George F. Price, in *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* vol. 50, pt. 1, (1897; repr., Harrisburg: Historical Times, Inc., 1985), 1139.

territories. However, it would not be the last time the Modoc encountered white people in their homelands.[34]

In 1840, the Modoc experienced their first attack from white people. According to an oral history from Edward Curtis' Achomawi informant, a party of forty white trappers traveled through Northern California and stopped among a group of Modoc Indians at Tule Lake.[35] These trappers invited the Modoc to come and sit down for a feast the trappers arranged, and most of them did, except for two Natives: Kintpuash's father and another unnamed Modoc Native. Although the informant never knew the Modoc Native's name, according to his testimony, Modoc laGis (or as he referred to them as "chiefs"), did not sit and eat with "common people," so this other Modoc Native was most likely the laGi of another Modoc band living close to Kintpuash's father's band.[36]

In addition to the feast the trappers arranged, they also had a small cannon with them. According to the Achomawi informant, as the Indians ate, the trappers fired the cannon upon them and killed "a large number of the feasters." The Modoc who survived fled, but the trappers captured and bound Kintpuash's father and the other unnamed laGi. One of the trappers angrily spoke to the other trappers, and after some time the white men let Kintpuash's father and the other laGi go. The trapper party then traveled south, where they encountered and killed two Achomawi Natives. Although the Achomawi decided not

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[34] Jeff LaLande, *First Over the Siskiyous: Peter Skene Ogden's 1826-1827 Journey Through the Oregon-California Borderlands* (Portland: Oregon Historical Society Press, 1987), 12-20, 115-6; McNally, *The Modoc War*, 30-1; Peter Skene Ogden and T. C. Elliot, "The Peter Skene Ogden Journals," *The Quarterly of the Oregon Historical Society* 11, no. 2 (June 1910): 212-3, accessed October 8, 2024, https://www.jstor.org/stable/20609827.
[35] Curtis, *North American Indian*, 130.
[36] Curtis, *North American Indian*, 130.

to kill the trappers initially, they did kill one of them near the trappers' camp, and after two trappers found the dead man, the party packed up and left. These bloody attacks on Modoc and Achomawi Indians would be a preview of what would come for California Indians in the coming years. In the case of the Modoc, especially Kintpuash's father and his band, it left a lasting impression on who white people were and how they treated Native Americans. Indeed, Kintpuash's father would never forget this attack on his people.[37]

During the 1840s, American settlers began to settle in Modoc territories in Southern Oregon, and by the 1850s, Northern California. One family that would become prominent in Oregon politics, the Applegate family, settled in Modoc territories in Southern Oregon during the mid-1840s and established a trail for further emigrants to follow into the Pacific Northwest. Named the Applegate Trail, the trail ran through Modoc territories in Northern California and Southern Oregon, and emigrants used it to travel into the West. During the 1850s, American settlers and all sorts of people from around the world moved in droves to California because of the Gold Rush in the hopes of striking it rich. In their hunt for gold and settling in California, American settlers and other emigrants destroyed the natural environments and economies of the Modoc and other California Indians. Settlers overhunted animals and their cattle overgrazed the land,

[37] Curtis, *North American Indian*, 130; Benjamin Madley, "California and Oregon's Modoc Indians," in *Colonial Genocide in Indigenous North America*, edited by Andrew Woolford, Jeff Benvenuto, and Alexander Laban Hinton (Durham: Duke University Press, 2014) 95-6.

and also introduced diseases that the Modoc and other Indians had no immunity to, like smallpox.[38]

To keep up with the Americans, Modoc Natives made adaptations to their socioeconomic livelihoods. According to Cheewa James, members of her Hot Creek band who lived near what is now Yreka in Northern California abandoned their hunter-gatherer lifestyles and became full-time laborers for white ranchers, like John Fairchild. These Modoc Natives dressed in settler clothes and learned to speak English. According to J. W. Perit Huntington, the Superintendent of Indian Affairs for Oregon during the 1860s, some Modoc Natives moved closer to towns like Jacksonville and traded with settlers, or prostituted their women. Overall, Modoc Indians demonstrated great agency as they adapted to changing socioeconomic conditions in their homelands.[39]

Many Modoc Indians, however, maintained their hunter-gatherer lifestyles, and incorporated raiding into their livelihoods. These Natives raided settlers and towns like

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[38] Jesse Applegate, *Recollections of My Boyhood* (Roseburg, OR: Press of Review Publishing Co., 1914), 88-9; H. W. Brands, *The Age of Gold: The California Gold Rush and the New American Dream* (New York: Anchor Books), 1-19, 23-4; Susan Lee Johnson, *Roaring Camp: The Social World of the California Gold Rush* (New York: W. W. Norton & Company, 2000), 79, 135; Jack Norton, *Genocide in Northwestern California: When Our Worlds Cried* (San Francisco: Indian Historian Press, 1979), 38; Madley, "California and Oregon's Modoc Indians," 96; Keith A. Murray, *The Modocs and Their War* (1959, repr., Norman: University of Oklahoma Press, 2001, 17-8; Powers, *Tribes of California*, 254; "Our Indian Difficulties," *Daily Alta California* (San Francisco), January 15, 1851, in *"Exterminate Them!" Written Accounts of the Murder, Rape, and Enslavement of Native Americans during the California Gold Rush* edited by Clifford E. Trafzer and Joel R. Hyer (Lansing: Michigan State University Press, 1999), 37-8; Malcolm J. Rohrbough, *Days of Gold: The California Gold Rush and the American Nation* (Berkeley: University of California Press, 1997), 197-206; Clifford E. Trafzer and Joel R. Hyer, *"Exterminate Them!" Written Accounts of the Murder, Rape, and Enslavement of Native Americans during the California Gold Rush* edited by Clifford E. Trafzer and Joel R. Hyer (Lansing: Michigan State University Press, 1999)" 1-3.

[39] Boutelle, "Major Boutelle's Account of His Duel with Scar-Faced Charley in the First Engagement," 270; Compton, *Spirit in the Rock*, 21; J. W. Perit Huntington to Hon. William P. Dole, September 28, 1863, in *Report of the Commissioner of Indian Affairs for the year 1863* (Washington, D. C.: Government Printing Office, 1863), 55; James, "Cheewa James Oral History," 3:05-28, https://www.youtube.com/watch?v=24xog279C78; McNally, *The Modoc War*, 30-1; Murray, *The Modocs and Their War*, 11-2.

Yreka for resources, especially cattle and horses. Although raiding was not new to Modoc Indians since they raided other Natives like Achomawis and Shastas for captives before American settlers arrived, what was new was that raiding became a fulltime endeavor for Modoc Natives since they raided more than they did before settlers arrived. What was also different about these Modoc raids on American settlers was that these Indians raided primarily for resources, not people. Indeed, raiding, which used to be an endeavor that Modoc Indians did once or twice a year against other Natives became a regular aspect of Modoc lives, who now mostly raided Americans who invaded their homelands.[40]

Sometimes Modoc Indians attacked and killed settlers. In 1854, a report issued by the United States House of Representatives stated that Modoc Natives first killed a white settler in Southern Oregon in 1846. In the years following that attack, Modoc Indians attacked settlers who traveled through their territories. In a report for 1854, Joel Palmer, the then-Superintendent of Indian Affairs for Oregon Territory, noted that according to Klamath Indians, Modoc Natives had killed thirty-six whites "within the last four

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[40] "Brief Glances," *Alta California* (San Francisco), August 20, 1856, 2, https://infoweb-newsbank-com.us1.proxy.openathens.net/apps/readex/doc?p=EANX&sort=YMD_date%3AA&fld-base-0=alltext&val-base-0=%22brief%20glances%22&val-database-0=&fld-database-0=database&fld-nav-0=YMD_date&val-nav-0=&docref=image/v2%3A111FCA65E54609B8%40EANX-11AE50A9B4294580%402399182-11AE50A9CB0CBC40%401-11AE50AA246F06C0%40Brief%2BGlances&firsthit=yes; Compton, *Spirit in the Rock*, 22; Jas. P. Goodall to Col. Thos. J. Henley, August 30, 1856, in *Report of the Commissioner of Indian Affairs, accompanying the Annual Report of the Secretary of the Interior for the Year 1856* (Washington, D. C.: A. O. P. Nicholson, Printer, 1857), 258; "Indians," *San Joaquin Republican* (Stockton), July 16, 1856, 2, https://cdnc.ucr.edu/?a=d&d=SRP18560716.2.9&srpos=24&e=------185-en--20--21--txt-txIN-%22modoc%22-------+1; "Indian Depredations," *San Joaquin Republican* (Stockton), August 27, 1856, 2, https://cdnc.ucr.edu/?a=d&d=SRP18560827.2.8&srpos=12&e=------185-en--20-SRP-1--txt-txIN-indian+depredations----1856---1; "Indian Depredations in the North," *Sacramento Daily Union*, August 5, 1856, 1, https://cdnc.ucr.edu/?a=d&d=SDU18560805.2.2&srpos=3&e=-------en--20--1--txt-txIN-%22indian+depredations+in+the+north%22-------; McNally, *The Modoc War*, 72-7; Riddle, *Indian History*, 17-8.

years."[41] In his report for 1863, Major C.S. Drew of the United States Army documented Modoc attacks on white settlers in California and Oregon from the 1850s to the early 1860s. He found that Modoc Natives stole horses, livestock, and ammunition, and totaled up the murders of white settlers by Indians to one hundred and twelve.[42] These reports indicated that Modoc Natives utilized violence as a tool for survival and defense against the settlers who invaded their homelands and stole their resources.

Kintpuash's band in particular mostly left the Americans alone, but a settler attack on a Hot Creek band changed the band's relationship with the settlers. Jefferson C. Davis Riddle, a cousin of Kintpuash, documented what happened in his personal account of the Modoc War, *The Indian History of the Modoc War*. According to Riddle, in 1852 a group of Pit River Indians attacked and killed American settlers near Alturas, a small town in Northern California east of Modoc territory.[43] In response to the attack, American miners organized a militia to kill the Indians and selected Jim (also named J.D.) Crosby as their captain. These militiamen encountered a group of Hot Creek Modoc Indians who greeted

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[41] Joel Palmer to Hon. Geo. W. Manypenny, September 11, 1854, in *Annual Report of the Commissioner of Indian Affairs Transmitted with the Message of the President at the Opening of the Second Session of the Thirty-Third Congress, 1854* (Washington, D. C.: A. O. P. Nicholson, 1855), 262; Nathaniel Todd, February 3, 1858, in US House of Representatives, *Papers Transmitted by the Secretary of Oregon Territory, Relative to The protection afforded by the volunteers of Oregon and Washington Territories to overland immigrants in 1854*, 35th Congress, 2nd Session, H. R. Mis. Doc. No. 47, 57-9; US Senate, *Communication from C. S. Drew, late Adjutant of the Second Regiment of Oregon Mounted Volunteers, giving an account of the origin and early prosecution of the Indian War in Oregon*, S. Misc. Doc. No. 59, 36th Cong., 1st Sess., May 9, 1860, 4-6.

[42] C.S. Drew to Brigadier General George Wright, February 20, 1863, in *Report of the Commissioner of Indian Affairs for the year 1863* (Washington, D. C.: Government Printing Office, 1863), 56-60.

[43] In his account, Riddle states the attack took place in 1853; however, the Bloody Point Incident, in which a band of Modoc Indians attacked a group of settlers near Tule Lake, took place in 1852, as confirmed by statements of militiamen in congressional reports as well as scholars like Jim Compton. Although Riddle has his date wrong, his inclusion of Modoc testimonies in response to Crosby's attack reveal that the Bloody Point incident was indeed done in response to the settler attack. In other words, his dates are off, but his history and Modoc testimonies are correct.

the settlers. Although these Modoc Natives never attacked any Americans, and in fact worked for Americans and were friendly with them, the militiamen killed the Indians. The militiamen then paraded through Yreka with the scalps they took from the Indians as trophies.[44]

After the attack, several Modoc bands including Kintpuash's came together at a meeting to discuss their situation with the Americans. According to Riddle, Kintpuash's father, the leader of his Lost River band, declared that white people "kill my people for nothing. Not only my men, but they kill our wives and children." He pointed out that he "did not give the white men any cause to commit these murders,'" which indicated that his band mostly left American settlers alone. While he did not acknowledge that other Modoc Indians raided settlers, his comments indicated that since the trappers' attack on his people back in 1840, Kintpuash's father had tried to keep his people safe and away from white people after seeing what they did to the Modoc. Not only that, but he noted that these incoming settlers killed not just men, but also women and children too. This indicated that he saw that American settlers were worse than the trappers who killed his people over a decade ago.[45]

Kintpuash's father told the council he would fight to protect the people. According to Riddle, he said he was "not afraid to die." He added that "If I die in war against the white people, I will die for a good cause." Another laGi named Legugyakes supported Kintpuash's father and rallied for war against the settlers, in which he stated

[44] Madley, "California and Oregon's Modoc Indians," 104-6; Riddle, *Indian History*, 15-8.
[45] Curtis, *North American Indian*, 130; Riddle, *Indian History*, 19.

"He [Kintpuash's father] predicts the truth: we shall all be killed in time by the white men if we run every time we see them. I am not going to run. I am going to fight. I will get some of them before they get me. I say, fight!"[46] Intriguingly, Modoc laGis like Kintpuash's father and Legugyakes were not warriors, but diplomats who urged calm among their people and pursued negotiations as opposed to violence to solve problems. However, Legugyakes and Kintpuash's father's calls for war demonstrated that some laGis began to favor violence over diplomacy because they saw the former as a better way to protect their people. In the case of Kintpuash's father, he especially pushed for war since he had seen white people kill his kinsmen back in 1840, when white trappers invited Modoc Natives to a feast and fired cannons upon them. Having survived this attack, Kintpuash's father believed the only solution to settler violence was Modoc counterviolence to protect his people.

While Modoc Natives at the council called for war, a young Kintpuash urged diplomacy. He told the council that both his father and Legugyakes were wrong to call for war against the Americans because the Modoc "have not killed any white people yet, so let us not kill any." Although Modoc Indians had already killed settlers by this point, as the House report and Joel Palmer's report from 1854 detailed, Kintpuash most likely referred to his Lost River band and other neighboring Modoc bands in Northern California. Indeed, he probably was not aware of these attacks that American officials would later document. He further stated that it was "wrong to take life when not in war,"

[46] Riddle, *Indian History*, 19-20.

and that if the Modoc loved their country, they would not fight the American settlers.[47] Compared to his father and Legugyakes, Kintpuash called for a more diplomatic approach to Modoc-settler relations because he believed that violence with Americans would bring trouble for the Modoc. Not only that, but Kintpuash's speech against violence demonstrated that he wanted his father and Legugyakes to respect the laGi tradition of diplomacy, in that they would negotiate with settlers and urge calm among the bands as opposed to rile their people up for war. One line in particular – "If I was a man today, I would not plot against white people" – hinted at how he would respect tradition when he served as the laGi of his band.

Despite Kintpuash's calls for diplomacy, his father and other Modoc Indians ignored him and rallied for war. One night in September 1852, a party of American emigrants camped near a site named Wa-ga-kan-na ("the little canyon") on the east side of Tule Lake in Northern California. When Kintpuash's father learned about the settlers from his runners, he called Legugyakes and his warriors together to attack the Americans. According to Riddle, Kintpuash pleaded for his father to leave the settlers alone, but his father told the people to ignore Kintpuash since he was young. His father then took off with Legugyakes and the war party.[48] When the Indians reached Tule Lake, they spotted the settlers. The Modoc Natives surprised and attacked the emigrants, and managed to kill many of them. However, a number of emigrants gathered their guns and killed some of them. The surviving Natives escaped, but returned later at midnight and attacked the

[47] Riddle, *Indian History*, 20-1.
[48] Riddle, *Indian History*, 21-3.

emigrants again before they escaped a second time. The Americans who survived fled to Ashland, Oregon, northwest of Tule Lake, or east to Yreka. In total, the Modoc war party killed sixty-five settlers, and the spot where the massacre took place became known to Americans as Bloody Point.[49]

After what became known as the Bloody Point Massacre, American settlers called for an expedition against the Modoc people. A young bounty hunter who had a reputation as an Indian killer named Ben Wright raised a group of militiamen called the Siskiyou Volunteer Rangers. These militiamen killed Modoc Indians wherever they found them. According to Jeff Riddle, Wright and his men met Modoc Indians from Kintpuash's band and explained that they wanted to make peace with the Modoc. The Natives agreed to this proposal. But the morning after forty-five Modoc Natives camped at the meeting spot, Wright and his men killed most of them, including Kintpuash's father. After the massacre, Wright and militiamen paraded through Yreka with scalps they took from the dead Indians, and the townspeople treated the men like heroes. In 1853, a few months after the expedition ended, the California state legislature reimbursed Wright and the Siskiyou Volunteer Rangers – a clear sign that the state government supported the genocide of the Modoc people.[50]

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[49] W. T. Kershaw, "Statement of W. T. Kershaw," in US House of Representatives, *Papers Transmitted by the Secretary of Oregon Territory, relative to The protection afforded by the volunteers of Oregon and Washington Territories to overland immigrants in 1854*, Congress, 2nd Session, H. R. Mis. Doc. No. 47, December 8, 1858, 41-3; Meacham, *Wigwam and Warpath*, 299-300; Riddle, *Indian History*, 22-4, 27.
[50] General E.A. Hitchcock to Adjunct General, March 31, 1853, in *The Destruction of California Indians*, edited by Robert Heizer, (1974; repr., Lincoln: University of Nebraska Press, 1993) 247-8; "Letter from Oregon," *Sacramento Daily Union*, May 12, 1873, 1, https://cdnc.ucr.edu/?a=d&d=SDU18730512&e=-------en--20--1--txt-txIN--------; Riddle, "Early Traditional History," in Gatschet, *The Klamath Indians of Southwestern Oregon*, 14; Riddle, *Indian History*, 27-30, 189; "The Appropriation to the Siskiyou Volunteers," April 23, 1853, *Shasta Courier* (Redding), 2, https://cdnc.ucr.edu/?a=d&d=SCR18530423.2.9&e=-------en--20--1--txt-txIN--------.

Before and after the Lost River massacre, American settlers hunted and killed Modoc and other California Indians throughout the state. Indeed, the Siskiyou Volunteer Rangers campaign was part of a much larger extermination campaign known today as the California Indian genocide. For almost three decades, from 1846 to 1873, vigilante civilians, militiamen, and United States Army soldiers attacked and killed Native Americans all over California to exterminate the Indigenous population of the state.[51] At the local level, towns like Shasta City offered bounties on Indian scalps for up to five dollars, and newspapers around the state called on civilians to kill Natives.[52] Politicians

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[51] Lindsay, *Murder State*, 9, 21, 22; Madley, *An American Genocide*, 8, 13; Jack Norton, *Genocide in Northwestern California: When Our Worlds Cried* (San Francisco: The Indian Historian Press, 1979), 107, 111; James J. Rawls, *Indians of California: The Changing Image* (Norman: University of Oklahoma Press, 1986), xiv, 171-2.

[52] "Army Movements;" *Red Bluff Beacon*, May 25, 1859, 3, https://cdnc.ucr.edu/?a=d&d=RBB18590525&e=-------en--20--1--txt-txIN--------; "An Indian War in the North," *Daily Alta California* (San Francisco), October 22, 1855, 2, https://cdnc.ucr.edu/?a=d&d=DAC18551022&e=-------en--20--1--txt-txIN--------; John Bigler to Gen. E. Hitchcock, April 8, 1852, in *"Exterminate Them!" Written Accounts of the Murder, Rape, and Enslavement of Native Americans during the California Gold Rush*, edited by Clifford E. Trafzer and Joel R. Hyer (Lansing: Michigan State University Press, 1999), 152-3; "California Legislature," *Marysville Daily Herald*, January 19, 1856, 2, https://cdnc.ucr.edu/?a=d&d=MDH18560119.2.10&e=-------en--20--1--txt-txIN--------; Thomas H. Coats, Samuel Fleming, Ed. Pierce, Geo. O. McMullin, J. W. Denver, and R. J. Sprague to John Bigler, April 6, 1852, in *"Exterminate Them!" Written Accounts of the Murder, Rape, and Enslavement of Native Americans during the California Gold Rush* edited by Clifford E. Trafzer and Joel R. Hyer (Lansing: Michigan State University Press, 1999), 154-5; "Evening Session," *San Joaquin Republican* (Stockton), April 23, 1856, 2, https://cdnc.ucr.edu/?a=d&d=SRP18560423&e=-------en--20--1--txt-txIN--------; "The Indian War South," *Sacramento Daily Union*, February 15, 1858, 4, https://cdnc.ucr.edu/?a=d&d=SDU18580215&e=-------en--20--1--txt-txIN--------; "Indian Affairs," *Red Bluff Beacon*, May 26, 1858, 2, https://cdnc.ucr.edu/?a=d&d=RBB18580526&e=-------en--20--1--txt-txIN--------; "Indian Reservations – Gov. Bigler's Special Message," *Daily Alta California* (San Francisco), February 9, 1852, 2, https://cdnc.ucr.edu/?a=d&d=DAC18520209&e=-------en--20--1--txt-txIN--------; "Indian Troubles," *Amador Ledger-Dispatch* (Jackson, CA), May 10, 1856, 2, https://cdnc.ucr.edu/?a=d&d=AL18560510&e=-------en--20--1--txt-txIN--------; Madley, *An American Genocide*, 163-72, 250-4, 284-5, 320-1; Norton, *Genocide in Northwestern California*, 74-8; "Our Indian Troubles," *Chico Record,* October 9, 1857, 2, https://cdnc.ucr.edu/?a=d&d=CR18571009&e=-------en--20--1--txt-txIN--------; "Siskiyou War Bonds," *Daily Alta California* (San Francisco), March 26, 1857, 1, https://cdnc.ucr.edu/?a=d&d=DAC18570326&e=-------en--20--1--txt-txIN--------; "The Appropriation to the Siskiyou Volunteers," April 23, 1853, *Shasta Courier* (Redding), 2, https://cdnc.ucr.edu/?a=d&d=DAC18570326&e=-------en--20--1--txt-txIN--------; "The Indians of Northern California," March 26, 1853, *Shasta Courier* (Redding), 2, https://cdnc.ucr.edu/?a=d&d=SCR18530326&e=-------en--20--1--txt-txIN--------; Trafzer and Hyer, ed.,

like governor Peter Burnett endorsed genocide and worked to maintain it for almost three decades. In 1850, Burnett signed the Act for the Government and Protection of Indians into law, which greenlit the enslavement and trafficking of California Indians and prevented Indians from testifying against white people in court.[53] One year later, Burnett openly endorsed the California Indian genocide in his State of the State Address to the state legislature, in which he called Natives "our Indian foe," and stated "That a war of extermination will continue to be waged between the races until the Indian race becomes extinct must be expected."[54] Burnett's words illustrated that political leaders encouraged anti-Native violence. In the state legislature, politicians passed bills such as the 1857 War Fund bill that funded and raised militias to kill Indians all over California.[55]

Even the federal government supported the California Indian genocide. The War Department advertised Indians as crude beings who threatened Americans and sold firearms to settlers to "defend" themselves from Indians – a clear illustration that the United States wanted California Indians exterminated.[56] In California, during the early

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"Exterminate Them!," 18-21; "War with the Indians," *Trinity Journal* (Weaverville, CA), April 5, 1856, 2, https://cdnc.ucr.edu/?a=d&d=TJ18560405&e=-------en--20--1--txt-txIN--------.

[53] "An Act for the Government and the Protection of Indians, April 22, 1850," in *The Other Californians: Prejudice and Discrimination under Spain, Mexico, and the United States to 1920* (Berkeley: University of California Press, 1971), 212-5; Lindsay, *Murder State*, 245-66; Trafzer and Hyer, ed., *"Exterminate Them!,"* 18-21.

[54] Burnett, "State of the State Address," https://governors.library.ca.gov/addresses/s_01-Burnett2.html.

[55] "California Legislature," *Marysville Daily Herald*, January 19, 1856, 2, https://cdnc.ucr.edu/?a=d&d=MDH18560119.2.10&e=-------en--20--1--txt-txIN--------; "Evening Session," *San Joaquin Republican* (Stockton), April 23, 1856, 2, https://cdnc.ucr.edu/?a=d&d=SRP18560423&e=-------en--20--1--txt-txIN--------; Madley, *An American Genocide*, 253-4, 284-5; "The Appropriation to the Siskiyou Volunteers," April 23, 1853, *Shasta Courier* (Redding), 2, https://cdnc.ucr.edu/?a=d&d=SCR18530423.2.9&e=-------en--20--1--txt-txIN--------; "Siskiyou War Bonds," *Daily Alta California* (San Francisco), March 26, 1857, 1, https://cdnc.ucr.edu/?a=d&d=DAC18570326&e=-------en--20--1--txt-txIN--------.

[56] Lansford Hastings, *The Emigrant's Guide to Oregon and California* (1845; repr., Princeton: Princeton University Press, 1932), 11-7, 116-7, 149, https://babel.hathitrust.org/cgi/pt?id=mdp.39015039364503&seq=1; "Indian Expedition," *Daily Alta*

1850s, Native leaders signed eighteen treaties with American officials that set aside land for their peoples as reservations. But the United States Senate never ratified the treaties because the California state senate urged the Senate in Washington, D. C. not to ratify them since settlers and state legislators argued that the treaties set aside good land for the Natives. As a result, American settlers invaded reservations and killed California Natives who lived on them. The Senate also passed legislation such as an 1856 funding bill to raise California militias in the West. In California, United States Army soldiers killed Natives or forcibly removed them to reservations.[57] Overall, three different levels of government – federal, state, and local – supported the California Indian genocide for almost three decades, which the Modoc people responded to in their own ways.

Outside of the Siskiyou Volunteer Rangers campaign, the Modoc people experienced genocidal violence from settlers. According to the historian Benjamin Madley, in 1851 an Indian hunter named John Ross organized a militia of miners after Modoc Indians raided Yreka for horses and mules. The militiamen then killed "fifteen" Modoc Natives in Butte Valley east of the town.[58] In Southern Oregon in 1854, Jesse Walker organized a militia and invaded Lost River territory along the California-Oregon border, where he and his men burned Modoc homes, and killed and captured Modoc Natives. In Northern California in 1856, J. D. Crosby (also spelled Cosby) – now a state

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California (San Francisco), February 28, 1851, in *"Exterminate Them!" Written Accounts of the Murder, Rape, and Enslavement of Native Americans during the California Gold Rush* edited by Clifford E. Trafzer and Joel R. Hyer (Lansing: Michigan State University Press, 1999), 151; Lindsay, *Murder State*, 85-108; Madley, *An American Genocide*, 77-82.

[57] Lindsay, *Murder State*, 273-7; Madley, *An American Genocide*, 127-33, 163-72, 250-4, 284-5, 318-20, 350.

[58] Madley, "California and Oregon's Modoc Indians," 98-9.

senator who organized the militia that killed Hot Creek Modoc Indians back in 1852 – raised another militia called the Modoc Expedition that killed almost two hundred Modoc Indians.[59] Although settlers hunted the Modoc, the Native people fought back. In 1852, Modoc Indians killed a militia captain of the Siskiyou Rangers Volunteer expedition, and during Cosby's campaign against the Modoc in 1856, Modoc warriors fought off and injured militiamen who hunted them – even killing some of them.[60] For the most part,

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[59] Calhoon, "Statement of D. R. Calhoon," November 13, 1854, 36-8; Curry to Gen. Joseph Lane, September 20, 1854, 9-10; Drew to His Excellency Jno. W. Davis, July 7, 1854, 3-5; Drew to Assistant Adjunct General, "Report of Lieut. Col. Charles S. Drew, First Oregon Calvary," July 6, 1864, 381; "From the Interior," *Sacramento Daily Union*, September 16, 1852, 3, https://cdnc.ucr.edu/?a=d&d=SDU18520916.2.11&srpos=1&e=16-09-1852-16-09-1852--en--20-SDU-1--txt-txIN-%22From+the+Interior%22-------; "Indian Affairs in the North," *Sacramento Daily Union*, September 17, 1856, 1, https://cdnc.ucr.edu/?a=d&d=SDU18560917.2.2&srpos=1&e=------185-en--20--1--txt-txIN-%22indian+affairs+in+the+north%22----185---; "Indian Massacre," *Daily Alta California* (San Francisco), October 12, 1859, 2, https://cdnc.ucr.edu/?a=d&d=DAC18591012.2.16&srpos=3&e=------185-en--20--1--txt-txIN-%22indian+massacre%22----1859---; "Indian War in Siskiyou: Expedition Against the Modocs – Lieut. Warman and Sergt. Alban Killed," *Daily Alta California* (San Francisco), August 12, 1856, 1, https://cdnc.ucr.edu/?a=d&d=DAC18560812.2.2&srpos=2&e=------185-en--20--1--txt-txIN-clear+lake+indian+war-------; "Indian War in Siskiyou," *New York Tribune*, September 15, 1856, 6, https://www.proquest.com/docview/570401666/fulltextPDF/1F9F059589F24216PQ/1?accountid=14521&sourcetype=Historical%20Newspapers; "Later from Modoc County," *Trinity Journal* (Weaverville, CA), August 30, 1856, 2, https://cdnc.ucr.edu/?a=d&d=TJ18560830.2.30&srpos=18&e=------185-en--20--1--txt-txIN-%22modoc%22----+1856---1; Madley, *An American Genocide*, 247-50; Price to Capt. R. W. Kirkham, June 13, 1862, 1137-8; Rohrer, Wm. Ritchie, Joseph Basey, [and 24 others] to Brig. Gen. E. V. Sumner, U.S. Army, June 10, 1861, 507-8; Strobridge, *Regulars in the Redwoods*, 214; "The Clear Lake Indian Expedition," *Sacramento Daily Union*, September 2, 1856, 1, https://cdnc.ucr.edu/?a=d&d=SDU18560902.2.4&srpos=3&e=------185-en--20--1--txttxIN-The+Clear+Lake+Indian+Expedition----1856---1; "The Campaign Against The Indians Of The North," *Sacramento Daily Union*, October 21, 1856, 2, https://cdnc.ucr.edu/?a=d&d=SDU18561021&e=-------en--20--1--txt-txIN--------; "The Clear Lake Indian War," *Daily Alta California* (San Francisco), October 9, 1856, 2, https://cdnc.ucr.edu/?a=d&d=DAC18561009.2.12&srpos=25&e=------185-en--20--21-- txt-txIN-clear+lake----1856---1; "The Indian War at the North," *Sacramento Daily Union*, October 17, 1856, 2, https://cdnc.ucr.edu/?a=d&d=SDU18561017&e=-------en--20--1--txt-txIN--------; "The Indian War in the North – Desperate Fighting," *San Joaquin Republican* (Stockton), August 14, 1856, 3, https://cdnc.ucr.edu/?a=d&d=SRP18560814.2.11&e=------185-en--20-SRP-1--txt-txIN-+indian+war+in+the+north-------; Walker to Colonel John E. Ross, November 6, 1854, 12-4; Ward, H. S. Bonette, M.D., and John H. Neale to Capt. George F. Price, 1139.

[60] "Later from Modoc County," *Trinity Journal* (Weaverville, CA), August 30, 1856, 2, https://cdnc.ucr.edu/?a=d&d=TJ18560830.2.30&srpos=18&e=------185-en--20--1--txt-txIN-%22modoc%22----+1856---1; "Indian Affairs in the North," *Sacramento Daily Union*, September 17, 1856, 1, https://cdnc.ucr.edu/?a=d&d=SDU18560917.2.2&srpos=1&e=------185-en--20--1--txt-txIN-%22indian+affairs+in+the+north%22----185; "Indian War in Siskiyou: Expedition Against the Modocs – Lieut. Warman and Sergt. Alban Killed," *Daily Alta California* (San Francisco), August 12, 1856, 1,

however, Modoc Indians demonstrated their resistance to the California Indian genocide by continuing to raid and attack American settlers and towns for resources. In one instance, Modoc Natives raided as far south as Susanville, which was located far from their ancestral territories, with Pit River and Northern Paiute Indians. Indeed, Modoc Indians utilized counterviolence to resist genocide.[61]

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https://cdnc.ucr.edu/?a=d&d=DAC18560812.2.2&srpos=2&e=------185-en--20--1--txt-txIN-clear+lake+indian+war-------; "Indian War in Siskiyou," *New York Tribune*, September 15, 1856, 6, https://www.proquest.com/docview/570401666/fulltextPDF/1F9F059589F24216PQ/1?accountid=14521&sourcetype=Historical%20Newspapers.

[61] C. S. Drew to Assistant Adjunct General, "Report of Lieut. Col. Charles S. Drew, First Oregon Calvary," July 6, 1864, in *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* vol. 50, pt. 1, (1897; repr., Harrisburg: Historical Times, Inc., 1985), 381; "From the Interior," *Sacramento Daily Unio*n, September 16, 1852, 3, https://cdnc.ucr.edu/?a=d&d=SDU18520916&e=-------en--20--1--txt-txIN--------; "Later from Modoc County," *Trinity Journal* (Weaverville, CA), August 30, 1856, 2, https://cdnc.ucr.edu/?a=d&d=TJ18560830.2.30&srpos=18&e=------185-en--20--1--txt-txIN-%22modoc%22----+1856---1; "Indian Affairs in the North," *Sacramento Daily Union*, September 17, 1856, 1, https://cdnc.ucr.edu/?a=d&d=SDU18560917.2.2&srpos=1&e=------185-en--20--1--txt-txIN-%22indian+affairs+in+the+north%22----185; "Indian Massacre," *Daily Alta California* (San Francisco), October 12, 1859, 2, https://cdnc.ucr.edu/?a=d&d=DAC18591012.2.16&srpos=3&e=------185-en--20--1--txt-txIN-%22indian+massacre%22----1859---; "Indian War in Siskiyou: Expedition Against the Modocs – Lieut. Warman and Sergt. Alban Killed," *Daily Alta California* (San Francisco), August 12, 1856, 1, https://cdnc.ucr.edu/?a=d&d=DAC18560812.2.2&srpos=2&e=------185-en--20--1--txt-txIN-clear+lake+indian+war-------; "Indian War in Siskiyou," *New York Tribune*, September 15, 1856, 6, https://www.proquest.com/docview/570401666/fulltextPDF/1F9F059589F24216PQ/1?accountid=14521&sourcetype=Historical%20Newspapers; Madley, *An American Genocide*, 247-50; Geo. F. Price to Capt. R. W. Kirkham, June 13, 1862, in *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* vol. 50, pt. 1, (1897; repr., Harrisburg: Historical Times, Inc., 1985), 1137-8; John B. Rohrer, Wm. Ritchie, Joseph Basey, [and 24 others] to Brig. Gen. E. V. Sumner, U.S. Army, June 10, 1861, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* vol. 50, pt. 1, (1897; repr., Harrisburg: Historical Times, Inc., 1985), 507-8; Strobridge, *Regulars in the Redwoods*, 214; "The Clear Lake Indian Expedition," *Sacramento Daily Union*, September 2, 1856, 1, https://cdnc.ucr.edu/?a=d&d=SDU18560902.2.4&srpos=3&e=------185-en--20--1--txttxIN-The+Clear+Lake+Indian+Expedition----1856---1; "The Campaign Against The Indians Of The North," *Sacramento Daily Union*, October 21, 1856, 2, https://cdnc.ucr.edu/?a=d&d=SDU18561021&e=-------en--20--1--txt-txIN--------; "The Clear Lake Indian War," *Daily Alta California* (San Francisco), October 9, 1856, 2, https://cdnc.ucr.edu/?a=d&d=DAC18561009.2.12&srpos=25&e=------185-en--20--21-- txt-txIN-clear+lake----1856---1; "The Indian War at the North," *Sacramento Daily Union*, October 17, 1856, 2, https://cdnc.ucr.edu/?a=d&d=SDU18561017&e=-------en--20--1--txt-txIN--------; "The Indian War in the North – Desperate Fighting," *San Joaquin Republican* (Stockton), August 14, 1856, 3, https://cdnc.ucr.edu/?a=d&d=SRP18560814.2.11&e=------185-en--20-SRP-1--txt-txIN-+indian+war+in+the+north-------; John S. Ward, H. S. Bonette, M.D., and John H. Neale to Capt. George F. Price, in *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* vol. 50, pt. 1, (1897; repr., Harrisburg: Historical Times, Inc., 1985), 1139.

While Modoc Natives fought back against settler violence, other Modoc Indians turned to diplomacy, and Kintpuash in particular emerged as a diplomat for his people. In the years after Ben Wright killed his father, Kintpuash traveled to Yreka a few times and became acquainted with American settlers to establish diplomacy with them, especially Siskiyou County Judge A. M. Roseborough. Roseborough promised the young leader and his people that he would help them with any troubles with settlers.[62] Kintpuash recollected about the judge in his 1873 testimony to the Army during the war crimes trial after the Modoc War: "Roseborough never gave me any advice but good advice," and according to him, "told me to be a good man, and do the right thing by my fellow-man."[63] Indeed, Kintpuash found an ally and friend he could trust as he interacted with Americans.

Kintpuash encouraged his people to make peace with the Americans. Like some Hot Creek Modoc Indians who became ranch hands for American ranchers, some of Kintpuash's Modoc Natives worked as laborers for white settlers in the town and learned to speak English.[64] These decisions by Kintpuash and his band, befriending settlers and working with them, demonstrated how Modoc diplomacy under Kintpuash operated. Also, the fact that Kintpuash himself started this diplomacy revealed the political agency

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[62] "Proceedings of a Military Commission," July 1873, in US House of Representatives *Official Copies of Correspondence Relative to the War with Modoc Indians*, 1872-3, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 172; Riddle, *Indian History*, 31-2.
[63] "Proceedings of a Military Commission," July 1873, 172.
[64] Hubert Howes Bancroft, Volume XXX: *History of Oregon*, Volume II, 1846-1888 (San Francisco: The History Company, Publishers, 1888), 556, Google books; Cora Hayman, "An Interview with Mrs. Cora Hayman," interviewed by Nannie Lee Burns, October 21, 1937, 8, Indian Pioneer Papers, Western History Collections, University of Oklahoma; Riddle, *Indian History*, 31-2.

of the young laGi and the Modoc people, and that he continued the Modoc political tradition of engaging in diplomacy as a laGi.[65]

Kintpuash further flexed his political agency by negotiating a peace treaty with American settlers and other California Indians. In February 1864, he and another Modoc laGi, Old Schonchin, along with other Modoc and non-Modoc Natives traveled to Yreka and met with a judge and ally to the local Indians of the region, Elijah Steele. Steele discussed this meeting in a letter he wrote to his brother in 1873, in which he noted that "Indians of the of the Modoc, Klamath Lake," as well as "Shasta, Scott River, Salmon River, Klamath River, and Sacramento River tribes" who "were more than ready to enter into treaties with each other and with us."[66] Kintpuash rallied these Indians together through the work of his first cousin Toby Riddle, who was married to a white man from Yreka named Frank Riddle. According to an oral history by her son Jefferson Riddle to the ethnologist Albert Samuels Gatschet after the Modoc War, Toby called together the Modoc, Klamath Lakes, and Shasta Natives and declared "now all blood is buried of their hostilities."[67] Like her cousin, Toby emerged as a diplomat who negotiated peace among the three Native peoples, who had long been rivals in the Pacific Northwest. Thanks to the diplomacy of Toby and Kintpuash, California Natives and American settlers in northeastern California had a chance to make peace, which they did in 1864.

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[65] "Proceedings of a Military Commission," July 1873, 172; Riddle, *Indian History*, 31-2.
[66] "Official Directory," *Weekly Colusa Sun*, March 5, 1864, 4, https://cdnc.ucr.edu/?a=d&d=WCS18640305&e=-------en--20--1--txt-txIN--------; E. J. Steele to Dear Brother, May 26, 1873, in *Official Copies of Correspondence Relative to the War with Modoc Indians*, 1872-3, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 304.
[67] J. C. D. Riddle, "Toby Riddle," interview by Albert Samuels Gatschet, 1875, in Albert Samuel Gatschet, *The Klamath Indians of Southwestern Oregon* (Washington: Government Printing Office, 1890), 54-5.

Steele agreed to help the Native people with their treaty and wrote it up on February 14, 1864. The treaty stated that the Native peoples had to live in peace with the white settlers and not harass them, and that the Indians would be protected by soldiers at nearby forts. The treaty also ensured that the Modoc and other Indians could stay in their homes, though they had to allow the settlers to move through them. Overall, the treaty protected the Modoc and Native peoples of Northern California from any further settler violence by the Americans, and allowed them to stay in their ancestral homelands. Kintpuash, Old Schonchin, and the other Native leaders and peoples signed the treaty, along with Steele and a number of American settlers.[68] It should be emphasized that this treaty came about in the first place because of Kintpuash's efforts to secure peace with the Americans, which demonstrated the strength of Modoc diplomacy during the California Indian genocide. Indeed, during a time of anti-Indian violence, Kintpuash maintained laGi tradition of serving as a diplomat for his people, thus maintaining Modoc political tradition.

In addition to signing the treaty, Steele dubbed Kintpuash a new name: Captain Jack, for the young leader's supposed resemblance to a white miner from Yreka. Although Steele meant it as a joke, the name stuck with the settlers, and from then on Americans called Kintpuash "Captain Jack." Roseborough approved the treaty, and in March Steele submitted it to the Commissioner of Indian Affairs for the Senate to ratify

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[68] Meacham, *Wigwam and Warpath*, 302; E. W. Potter, D. Kean, and E. S. Steele, *To the Indians now assembled*, February 14, 1864, in *Annual Report of the Commissioner of Indian Affairs for the Year 1864* (Washington, D. C.: Government Printing Office, 1865), 109-110; E. J. Steele to Dear Brother, May 26, 1873, in *Official Copies of Correspondence Relative to the War with Modoc Indians*, 1872-3, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 304.

it.[69] It seemed as if Kintpuash and the Modoc finally achieved formal peace with the United States.

Although the Senate received the treaty, it never approved it. According to Alfred Meacham in his personal history of the Modoc War *Wigwam and Warpath*, the Senate did not approve the treaty because it was unauthorized. While a newspaper article printed at the time of the treaty listed Steele as the Superintendent of Indian Affairs for the Northern District of California, Meacham wrote that since Steele was not tasked with negotiating a treaty with the Modoc at the time, the Senate rejected it.[70] While Meacham's account explains technicalities, it fails to provide a clearer and more complete picture of the story. This is where Modoc oral histories and federal reports come in because they illustrate there was a bigger reason as to why the United States ignored Kintpuash's diplomacy: the federal government greatly desired the Modoc and other Native peoples' homelands in Northern California and Southern Oregon for further settlement. Debra Riddle Herrera, a descendant of Jeff Riddle and Kintpuash, mentioned in an oral history for the California Museum from 2011 that incoming settlers wanted the Modoc Indians' territories and wanted the Indians out of California. In her oral history from 1937, Cora Hayman, one of the Modoc Natives removed to Indian Territory, mentioned that her people's "fertile lands were coveted by white settlers."[71]

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[69] Compton, *Spirit in the Rock*, 32-3; James, *Modoc*, 29; Murray, *The Modocs and Their War*, 35.
[70] Meacham, *Wigwam and Warpath*, 302; "Official Directory," *Weekly Colusa Sun*, March 5, 1864, 4.
[71] Hayman, "An Interview with Mrs. Cora Hayman," October 21, 1937, 8, Indian Pioneer Papers, Western History Collections, University of Oklahoma; Herrera, "Debra Riddle Herrera Oral History," uploaded to YouTube March 25, 2011, video, 0:27-1:50, https://www.youtube.com/watch?v=mpiCAm_TA20.

Then-Superintendent of Indian Affairs for Oregon William H. Rector noted this settler desire in his report to the Commissioner of Indian Affairs for 1862. According to Rector, the settlers who lived near the Modoc in Southern Oregon were, "exceedingly anxious to have the Indian title extinguished to this section of country, and have the same thrown open for settlement." Rector though, cautioned against extinguishing the Modocs' title to their homelands as well as removing them to a reservation until he noted "the necessity becomes more apparent."[72] In other words, Rector did not remove the Modoc people from their homeland – at least not yet – which confirmed the Native women's oral histories: Americans wanted Modoc lands. These reports and oral histories reveal that settlers wanted Modoc lands for themselves.

Rector's words illustrated that it was not only settlers that wanted the Modoc homelands, but also the federal officials, especially Indian agents. In fact, since the 1850s, these officials desired to remove the Modoc from their homelands because of the fertile land their regions encompassed. In 1854, Joel Palmer noted in his report that "A partial examination of the country around Klamath and Toqua lakes and their tributaries, has impressed me favorably with the region as suited to the colonization of the Indians of the Willamette and Umpqua Valleys."[73] Palmer indicated that the federal government desired colonizing Modoc territories, and other Indian agents shared his belief.

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[72] WM. H. Rector to Hon. Wm. P. Dole, September 2, 1862, in *Report of the Commissioner of the Indian Affairs for the Year 1862* (Washington: Government Printing Office, 1863), 261.
[73] Joel Palmer to Hon. Geo. W. Manypenny, September 11, 1854, in *Annual Report of the Commissioner of Indian Affairs Transmitted with the Message of the President at the Opening of the Second Session of the Thirty-Third Congress, 1854* (Washington, D. C.: A. O. P. Nicholson, 1855), 263.

In 1856, Jason P. Goodall suggested in his letter to Thomas J. Henley, the Superintendent of Indian Affairs for California, that "The whole, or most of them, (Indians), can be gathered on reserves and taught the civil arts at infinitely *less expense* than to war with them." He further noted that the federal government should meet with the Indians of Northern California such as the "Pacific coast Indians, Lower Klamath, Salmon river, Upper Klamath or Lake Indians, the Scott's valley, Shasta, Modock, (or Tulare Lake), Pitt river, McCloud river, and Goose lake Indians" since white settlers according to him were "prevented from settling some fine portions of country on account of the position of Indian affairs as they now exist here."[74] Goodall endorsed settler colonialism, the process in which a settler population invades and replaces the Indigenous population of an area to take their territory. Intriguingly, he noted that the effects of the very settler-colonialism he endorsed prompted the Modoc to raid the Americans for resources.[75] Goodall's own words confirmed that the United States wanted Modoc territories for Americans, not Modoc Natives. Another agent, G. H. Abbott, the Sub-Indian agent for Oregon, noted in his letter for E. R. Geary, then Superintendent of Indian Affairs for the Oregon and Washington Territories, from 1859 that "A considerable portion of the country inhabited by the Klamath Lake and Modock tribes, is well adapted to grazing, and some of it to agricultural purposes." The Americans dreamt of converting

[74] Jas. P. Goodall to Col. Thos. J. Henley, August 30, 1856, in *Report of the Commissioner of Indian Affairs, accompanying the Annual Report of the Secretary of the Interior for the Year 1856* (Washington, D. C.: A. O. P. Nicholson, Printer, 1857), 259.
[75] Goodall to Col. Thos. J. Henley, August 30, 1856, 260; Patrick Wolfe, "Settler colonialism and the elimination of the native," *Journal of Genocide Research* 8, no. 4 (December 21, 2006): 388, accessed December 2, 2023, https://doi.org/10.1080/14623520601056240.

Modoc territories into farmland and removing the Native people to reservations – a clear illustration of settler-colonialism.[76]

In addition to removing the Modoc from their ancestral homelands, some officials proposed removing the Native people to a reservation, especially Superintendent for Indian Affairs of Oregon, J. W. Perit Huntington. In a letter dated May 1864, Huntington proposed to Brigadier General Benjamin Adams of the United States moving "rovering bands" of Indians in the Pacific Northwest like the Modoc, Klamath, and Snake (Yahooskin Paiute) Indians near a reservation near Fort Klamath in Southern Oregon if they could be kept under control by the United States. One month later, Acting Commissioner of Indian Affairs Charles Mix wrote Huntington and ordered him and Superintendent of Indian Affairs for California, Austin Wiley, to negotiate a treaty with the Modoc and Klamath Indians. Similar to Huntington's letter to Adams, Mix noted to Huntington that he hoped the Indians would "reside on a proper reservation, to be selected and distinctly marked" as part of the negotiations.[77] Mix also made it clear that he wanted the Modoc and Klamath Natives out of their homelands and removed to a reservation where the United States could "provide them with such necessary supplies, farmers and mechanics" to "enable them to subsist and advance in civilization." Compared to Huntington, Mix more clearly stated the United States' reason to remove the

[76] G. H. Abbott to E. R. Geary, Esq., July 11, 1859, in *Report of the Commissioner of Indian Affairs for the year 1859* (Washington: Government Printing Office, 1859), 436-7.
[77] J. W. Perit Huntington to Brig. Gen. Alvord, May 2, 1864, in *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* vol. 50, pt. 2, (1897; repr., Harrisburg: Historical Times, Inc., 1985), 836-7; Chas. E. Mix to J. W. Perit Huntington, Esq., June 22, 1864, in *Report of the Commissioner of Indian Affairs for the year 1864* (Washington, D. C.: Government Printing Office, 1865), 112-3.

Modoc and Klamath Indians: assimilation of the Native peoples, in which he hoped the reservation would "be adapted to grazing and agricultural pursuits" so " they [the Modoc and Klamath Natives] shall be" in his words "induced to more civilized pursuits."[78] As Mix and Huntington indicated, the federal government wanted the Modoc and their Native neighbors out of homelands and onto reservations where the United States could completely control and transform their lives.

Later that year in October, Huntington signed the Treaty of Council Grove with the Modoc, Klamath, and Yahooskin Paiute Natives. The treaty ceded their ancestral territories to the United States and established a reservation for the three Native peoples to live on: the Klamath Reservation, located near Fort Klamath in Southern Oregon. Although the reservation was in Klamath Indian country, it was located far from Modoc and Paiute territories. Kintpuash was one of the Modoc Natives who signed the treaty along with Old Schonchin, and both leaders moved to the Klamath Reservation with most of the Modoc. Some Modoc Natives, however, evaded forced removal to Oregon and remained in California. Some of these Natives lived in the far northeastern part of the state and were killed by General George Crook and his soldiers during the Snake War in 1867. The remaining Modoc Indians were Hot Creek Natives who worked as ranch hands for John Fairchild, who lived east of Yreka.[79]

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[78] Mix, to J. W. Perit Huntington, Esq., June 22, 1864, 112-3.
[79] Benj. Alvord to Lieut. Col. R. C. Drum, November 25, 1864, in *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* vol. 50, pt. 2, (1897; repr., Harrisburg: Historical Times, Inc., 1985), 1071-2; Benj. Alvord to J. W. P. Huntington, November 25, 1864, in *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* vol. 50, pt. 2, (1897; repr., Harrisburg: Historical Times, Inc., 1985), 1072-3; J. W. Perit Huntington, December 10, 1864, in *Report for the Commissioner of Indian Affairs for the Year 1865* (Washington, D. C.: Government Printing Office, 1865), 101-4; Huntington, "Brief of treaty with Klamath and Modoc Indians of Southern

When American settlers arrived in Modoc territories, they changed the lives of the Modoc people forever. Settlers destroyed natural resources and altered the natural world of the Modoc, which prompted these Natives to adapt. Some became fulltime laborers or traders, while many Modoc Indians continued their hunter-gatherer lifestyles and raided settlers for resources. Sometimes Modoc Natives attacked settlers because they saw them as threats to their livelihoods, which showed that Modoc Natives utilized violence as a tool of survival. In response to Modoc raids, Americans raised militias and killed Modoc Indians. These militias were not isolated campaigns because they were part of the larger statewide campaign known today as the California Indian genocide, which the local and state governments of California along with the federal government supported.

Although settlers targeted the Modoc and other California Indians for extermination, Modoc Natives resisted genocide by counterattacking militiamen who hunted them and continuing to raid settlers and settler towns. Other Modoc Natives like Kintpuash eschewed violence and pursued diplomacy with Americans to stop anti-Indian violence and establish formal peace between the Modoc and the United States. In fact, by engaging in this diplomacy, Kintpuash continued Modoc political tradition and illustrated

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Oregon of October 15, 1864," December 10, 1864, 104-5; "Treaty with the Klamath, Etc., 1864," in *Indian Affairs: Laws and Treaties*, edited by Kappler, 865-8; "Treaty with the Klamaths," *Marysville Daily Appeal*, November 4, 1864, 1, https://cdnc.ucr.edu/?a=d&d=MDA18641104&e=-------en--20--1--txt-txIN--------; George Crook, and Martin F. Schmitt, ed., *General George Crook: His Autobiography* (Norman: University of Oklahoma Press, 1986), 154-5, 155n3; James, *Modoc*, 67-9; Madley, "California and Oregon's Modoc Indians," 111; McNally, *The Modoc War*, 72-7; Meacham, *Wigwam and Warpath*, 303; "News of the Morning," *Sacramento Daily Union*, October 29, 1867, 2, https://cdnc.ucr.edu/?a=d&d=SDU18671029&e=-------en--20--1--txt-txIN--------; *Owyhee Avalanche* (Homedale, ID), November 2, 1867, in *Eyewitnesses to the Indian Wars, 1865-1890*, Vol. 2, *The Wars for the Pacific Northwest*, edited by Peter Cozzens, (Mechanicsburg, PA: Stackpole Books, 2002), 63-77; Austin A. Parker to William C. Brown, November 20, 1928, in *Eyewitnesses to the Indian Wars, 1865-1890*, Vol. 2, *The Wars for the Pacific Northwest*, edited by Peter Cozzens, (Mechanicsburg, PA: Stackpole Books, 2002), 84-5.

the political agency of his people. It was through this diplomacy that Kintpuash negotiated a treaty with white settlers in February 1864 that allowed the Modoc and Americans to live together in California. The federal government, however, ignored the treaty, and in late 1864 compelled the Modoc to sign a treaty that surrendered their homelands to the United States in exchange to live on a reservation in Oregon.

Even though the United States forcibly removed the Modoc from their ancestral homelands, the Native people survived the California Indian genocide because of their responses to it. They adapted to changing conditions, counterattacked genocidal settlers, and negotiated with Americans and long-time Native rivals. As for Kintpuash, he never stopped negotiating with the United States, even after he and most of his people signed the Treaty of Council Grove. In fact, he and his band would capture the attention of the United States in the coming years.

Chapter 3: A Diplomat for his People: Kintpuash and the Modoc War

In late 1864, the United States removed the Modoc, Klamath, and Yahooskin Paiute Indians to the Klamath Reservation in Southern Oregon after the three Native peoples signed the Treaty of Council Grove surrendering their ancestral territories to the United States. But in 1865, Kintpuash took his band back to Lost River in Northern California because of poor living conditions on the reservation. When the band returned home, Kintpuash resumed diplomacy with the American settlers, who had increasingly moved into Lost River. In 1869, the Superintendent of Indian Affairs for Oregon, Alfred Meacham, traveled to Lost River and ordered Kintpuash and his band to return to Oregon. Although Kintpuash refused at first, he and his band returned after Meacham promised to improve living conditions. But in 1870 Kintpuash took his band back to California, this time for good.[80]

To keep his people together, and to honor the role of the laGi, Kintpuash maintained diplomacy with the Americans. He encouraged settlers and his band to live together, and negotiated with American officials like Meacham and General Edward S. Canby for a reservation for his people in Lost River. But violence against the Modoc

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[80] Compton, *Spirit in the Rock*, 37-40; Follis, "Modoc Tribe," 82; A. M. Roseborough, April 6, 1868, Fisher Papers Vol. 1, 6; Meacham, *Wi-ne-ma*, 39; A. B. Meacham to Hon. E. S. Parker, September 21, 1870, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1870* (Washington: Government Printing Office, 1870), 54; Elmer Otis to Assistant Adjutant General, April 13, 1872, 21-1; E. W. Pollack to I. D. Applegate Esq, May 24, 1870, Fisher Papers, Vol. 1, 21-2; Quinn, *Hell With the Fire Out*, 13-9; Riddle, *Indian History*, 33, 37-8; "Report of Conversation, between, Colonel Otis Mr. J. N. High sub agent Klamath Indian Agency and Mr. J. Applegate Commissary, Yainex Agency Oregon, at the Gap on Lost-River Oregon on the 3d of April 1872, with Captain Jack Chief of the Modoc Indians and Thirty five of his Indians," April 3, 1872, Fisher Papers, Volume 1, 167-179; January 29, 1872, Fisher Papers, Volume 1, 86-7; "Siskiyou County," *Sacramento Daily Union*, September 10, 1870, 5, https://cdnc.ucr.edu/?a=d&d=SDU18700910&e=-------en--20--1--txt-txIN--------; Untitled article, *Weekly Butte Record* (Oroville, CA), September 3, 1870, 2, https://cdnc.ucr.edu/?a=d&d=WBR18700903&e=-------en--20--1--txt-txIN--------.

people resumed on November 29, 1872, when a regiment of the United States Army arrived at Lost River and ordered the Modoc band to return to Oregon. As Kintpuash tried to calm tensions between the soldiers and his people, a rifle belonging to one of his warriors misfired, and both sides engaged in a firefight that sparked the Modoc War of 1872-3. During this battle, Kintpuash and his band escaped to the Lava Beds south of Lost River, a holy site for the Modoc people.[81] From January to April 1873, Modoc warriors fought American soldiers in the Lava Beds while Kintpuash met with American peace commissioners to negotiate peace with the United States. Although Kintpuash tried to maintain his diplomacy as much as he could, on April 11, 1873, peace talks collapsed after he and his warriors killed two commissioners, General Canby and Reverend Eleazar Thomas, and severely injured a third commissioner, Alfred Meacham. After the event, soldiers and their Native scouts captured or killed the remaining Modoc Indians, except for Kintpuash and his family. On June 1 soldiers and scouts found him and his family hiding near a cave in Northern California, and the young leader surrendered to the Army.

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[81] Ivan D. Applegate, "The Initial Shot: A Civilian's Description of the First Battle of the Modoc War," in *Northwestern Fights and Fighters* by Cyrus Townsend Brady (1907; repr., University of Nebraska Press, 1979), 273 (originally published in *The Klamath Fall Express*, January 10, 1895); O. C. Applegate, "The battle on the East side of Lost River," November 29, 1872, Fisher Papers, Vol. 2, 133-9; Rachael Blackstone, Teams meeting with the author, September 26, 2024; Ed. R. S. Canby to Assistant Adjutant-General, April 17, 1872, *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 20-1; James Jackson to Maj. John Green, December 2, 1872, in *US House of Representatives Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 42-3; James, *Modoc*, 35, 42, 51-3; A. B. Meacham to Genl. Canby, January 25, 1872, Fisher Papers, Volume 1, 80-1; A. B. Meacham to I. D. Applegate, November 11, 1871, Fisher Papers, Volume 1, 72-3; Alfred B. Meacham, *Wigwam and Warpath, or the Royal Chiefs in Chains* (Boston: John P. Dale and Company, 1875), 371-6; *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 174; "Proceedings," July 1873, in *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 173; Arthur Quinn, *Hell With the Fire Out: A History of the Modoc War* (Boston: Faber and Faber, Inc., 1997), 54; A. M. Roseborough, May 13, 1870, Fisher Papers, Vol. 1, 20.

Soldiers imprisoned him and the remaining Lost River Modoc Indians at Fort Klamath near the reservation in Oregon.[82] In July, Army officials tried Kintpuash and five other

[82] "Another Massacre by the Modocs: Disastrous Battle with the Indians," *The Sun* (Baltimore), April 30, 1873, 1, https://www.proquest.com/news/docview/534136091/CB29A819440742E9PQ/1?accountid=14521&sourcetype=Historical%20Newspapers; R. F. Bernard to Maj John Green, January 19, 1873, in *US House of Representatives, Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 62-3; E. R. S. Canby to Assistant Adjutant-General, January 20, 1873, in *US House of Representatives, Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 46; Ed. R. S. Canby to General W. T. Sherman, January 30, 1873, in *US House of Representatives, Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 64; Ed. R. S. Canby to Gen. W. T. Sherman, March 16, 1873, in *US House of Representatives, Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 72; Ed. R. S. Canby to Col. W. D. Whipple, March 24, 1873, in *US House of Representatives, Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 74; "Captain Jack Surrenders," *Daily Alta California* (San Francisco), June 3, 1873, 1, https://cdnc.ucr.edu/?a=d&d=DAC18730603.2.24&srpos=15&e=------187-en--20--1--txt-txIN-captain+jack----1873---1; "Colonel Davis, the Successor of General Canby," *Marysville Daily Appeal*, April 27, 1873, 3, https://cdnc.ucr.edu/?a=d&d=MDA18730427.2.13&srpos=111&e=------187-en--20--101--txt-txIN-%22modoc+indians%22----1873---1; Compton, *Spirit in the Rock*, 13, 105-15, 134-53; Alvan C. Gillem to Adjutant General, April 11, 1873, in *US House of Representatives, Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 75-6; Jeff C Davis to J. M. Schofield, May 8, 1873, in *US House of Representatives, Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 84; Jeff C. Davis to Assistant Adjutant-General, May 4, 1873, in *US House of Representatives, Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 83-4; Jeff C. Davis to J. M. Schofield and General W. T. Sherman, May 8, 1873, in *US House of Representatives, Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 84; Edward Fox, *New York Herald*, March 5, 1873, in *Eyewitnesses to the Indian Wars, 1865-1890, Vol. 2, The Wars for the Pacific Northwest*, edited by Peter Cozzens, (Mechanicsburg, PA: Stackpole Books, 2002), 215-223; Edward Fox, *New York Herald*, April 7, 1873, in *Eyewitnesses to the Indian Wars, 1865-1890, Vol. 2, The Wars for the Pacific Northwest*, edited by Peter Cozzens, (Mechanicsburg, PA: Stackpole Books, 2002), 229-33; Alvan C. Gillem to Assistant Adjutant-General, April 20, 1873, in *US House of Representatives*, *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 79-82; Alvan C. Gillem to General Sherman, April 29, 1873, in *US House of Representatives, Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 82-3; McNally, *The Modoc War*, 232-40, 251-60, 265-72, 275-82; A. B. Meacham to H. R. Clum, March 13, 1873, in US House of Representatives, *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 269; Meacham, *Wi-ne-ma*, 32, 41, 47; "Message brought by Mary (Captain Jack's sister) from Monday," March 6, 1873, in US House of Representatives, *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 269-71; Brig.-Gen. David Perry, "The First and Second Battles in the Lava-Beds, and the Capture of Captain Jack," in *Northwestern Fights and Fighters* by Cyrus Townsend Brady (1907; repr., Lincoln: University of Nebraska Press, 1979), 293-7, 298-304; "The Modoc War - Terms of Peace -The Indians Discuss Them," *Sacramento Daily Union*, March 6, 1873, 2, https://cdnc.ucr.edu/?a=d&d=SDU18730306&e=-------en--20--1--txt-txIN--------; *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131,

Modoc Natives for war crimes against the United States in a military tribunal at Fort Klamath, and sentenced the defendants to death, though President Ulysses S. Grant commuted two of the Natives' sentences to life in prison on Alcatraz Island. On October 3, 1873, soldiers hanged Kintpuash and the three other Modoc defendants at Fort Klamath, and after the executions, military and federal officials forcibly removed the survivors of Kintpuash's band to Indian Territory.[83]

1874, 165-6; Riddle, *Indian History*, 91-8, 120-3, 128-9, 134-40, 141-50, 156; J. M. Schofield to Gen. W. T. Sherman, June 5, 1873, in *US House of Representatives Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 86; E. V. Sumner and H. Clay Wood, "Special Orders No. 59a. - Extract," May 21, 1873, in *US House of Representatives, Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 126; "Surrender of Captain Jack and the Remainder of the Tribe — The War Certainly Ended," *Sacramento Daily Union*, June 3, 1873, 2, https://cdnc.ucr.edu/?a=d&d=SDU18730603.2.15.3&srpos=5&e=------187-en--20--1--txt-txIN-%22captain+jack%22+%22surrender%22-------1; "The Modoc War: A Reconnoitering Party Surprised by the Enemy, Twenty-Two Killed And Many Wounded," *Hartford Daily Courant*, April 30, 1873, 3, https://www.proquest.com/news/docview/553783323/BEDDF16A71974CFAPQ/1?accountid=14521&sourcetype=Historical%20Newspapers; "The Modoc War," *Sentinel* (Red Bluff, CA), May 17, 1873, 2, https://cdnc.ucr.edu/?a=d&d=RBS18730517.2.8&srpos=61&e=------187-en--20--61--txt-txIN-%22captain+jack%22----1873---1; "The Modoc War," *Weekly Colusa Sun* (Colusa, CA), April 19, 1873, 2, https://cdnc.ucr.edu/?a=d&d=WCS18730419.2.10&srpos=99&e=------187-en--20--81--txt-txIN-%22modoc+indians%22----1873---1; E. D. Townsend to Col. J. C. Davis, April 14, 1873, in *US House of Representatives, Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 78; E. D. Townsend to Maj. Gen. J. M. Schofield, April 14, 1873, in *US House of Representatives, Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 79; "The Lava Bed Modocs Sent to Fort Klamath," *Sacramento Daily Union*, June 15, 1873, 3, https://cdnc.ucr.edu/?a=d&d=SDU18730616.2.23.5&srpos=3&e=------187-en--20--1--txt-txIN-%22fort+klamath%22----1873---1; Frank Wheaton to Gen. E. R. S. Canby, January 15, 1873, in *US House of Representatives, Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 49-50; Frank Wheaton to Gen. E. R. S. Canby, January 19, 1873, in *US House of Representatives, Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 50-1.

[83] Wm. W. Belknap, August 24, 1873, in *US House of Representatives Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 183; U. S. Grant, August 22, 1873, in *US House of Representatives Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 183; James, *Modoc*, 159-60; "Proceedings of Military Commission;" July 1873, in *US House of Representatives Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 178-9, 181-3; J. M. Schofield to Gen. W. T. Sherman, June 5, 1873, *US House of Representatives Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 86; W. T. Sherman to Gen. J. M. Schofield, June 7, 1873, in *US House of Representatives Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd

When viewing the Modoc War from the point of view of Kintpuash and his band, the story becomes complicated because it was not just about an undersized Native band holding off the Army. Indeed, it was about how a young Native leader tried to maintain diplomacy with the United States as much as he could while also trying to uphold Modoc political tradition and keep his people safe. Although his diplomacy collapsed, Kintpuash held out as long as he could and proved to be not just a diplomat for his people since he worked for peace between the Modoc and the United States, but also a patriot because he did whatever he could to keep his people safe.

In spring 1865, Kintpuash led his Modoc band back to their ancestral Lost River on the California-Oregon border. The young leader and his people were repulsed by living conditions on the reservation, specifically the lack of proper food and tensions with the Klamath Indians. Kintpuash believed that by taking his band back to their home, they would rebuild their community, and with that in mind, the young leader led his people off the Klamath Reservation back to Lost River in spring 1865. According to Bill Follis, the elected chief or chairman of the Modoc Tribe during the 1970s, members of the band

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Cong. 2nd sess., H. R. No. 131, 1874, 90-1; W. T. Sherman to General W. W. Belknap, June 3, 1873, in *US House of Representatives Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 84-5; E. D. Townsend to Maj. Gen. J. M. Schofield, June 30, 1873, in *US House of Representatives Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 92; Geo. H. Williams to The President, June 7, 1873, in *US House of Representatives Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 88-90; E. D. Townsend, August 23, 1873, in *US House of Representatives Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 95-7; E. D. Townsend, September 12, 1873, in *US House of Representatives Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 203; E. D. Townsend to Maj. Gen. J. W. Schofield, September 13, 1873, in *US House of Representatives Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 99; E. D. Townsend to First Lieut. M. C. Wilkinson, November 3, 1873, in *US House of Representatives Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 104.

elected to return to California, which illustrated that the band relied on the tradition of consensus-based decisions. Indeed, the Modoc relied on their political tradition to return to their homeland as a means to solve their issue, and Kintpuash, their laGi, took his people home by his own decision and his people's decision.[84]

However, the Modoc band found their home had changed since they moved to the reservation. By this time, more settlers had moved into the Modoc territory and close to the Lost River settlement, but Kintpuash encouraged his people and the settlers to live together to preserve diplomacy between Americans and the Modoc. While many of the Modoc Indians resumed their traditional hunting and gathering ways, some of the Indians took up jobs near Yreka, such as ranch hands, and Kintpuash himself traveled to Yreka to visit Elijah Steele for advice to negotiate with government officials. By living and working with American settlers, Kintpuash and his Modoc band showed that they were friends to the Americans and meant no harm to them.[85]

In 1869, Superintendent Meacham traveled to Lost River with some soldiers to entice the leader and his people to return to the Klamath Reservation. Kintpuash refused

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[84] Compton, *Spirit in the Rock*, 37-40; Follis, "Modoc Tribe," 82.
[85] Lindsay Applegate to Hon. J. W. P. Huntington, August 6, 1866, in *Report of the Commissioner of Indian Affairs for the Year 1866* (Washington: Government Printing Office, 1866), 90; L. Applegate to Stephen B. Thoburn, September 19, 1869, Fisher Papers, Vol. 1, 10-1; Compton, *Spirit in the Rock*, 38-40; James, *Modoc*, 37-8; E. Steel[e] to the Commanding Officer at Fort Klamath, August 28, 1865, Fisher Papers Vol. 1, 1-2; "Proceedings of a Military Commission," in US House of Representatives *Official Copies of Correspondence Relative to the War with Modoc Indians*, 1872-3, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 173; "Report of Conversation, between, Colonel Otis Mr J. N. High sub agent Klamath Indian agency and Mr J. D. Applegate Commissary, Yainex Agency Oregon, at the Gap on Lost-River Oregon on the 3d of April 1872, with Captain Jack the Chief of the Modoc Indians and about Thirty five of his Indians," April 3, 1872, Fisher Papers, Vol. 1, 167-79; A. M. Roseborough, April 6, 1868, Fisher Papers Vol. 1, 6; E. S. Parker to Hon. J. D. Cox, December 23, 1869, *Report of the Commissioner of Indian Affairs Made to the Secretary of the Interior for the Year 1869* (Washington, D.C.: Government Printing Office, 1870), 15.

and explained that the Modoc were mistreated by the Klamath Indians, who stole their food and other resources. But when Meacham promised Kintpuash that he would work to improve the reservation's conditions, the leader agreed and led his band back to Oregon in December 1869. Not wanting to fight the Americans as he knew that it would only lead to violence and potentially the extermination of his Modoc band, Kintpuash stuck with diplomacy to keep his people safe and led them back to the reservation.[86]

In 1870, however, Kintpuash led his band back to Lost River because the Klamath Indians continued to bother the Modoc, and after he returned, continued his diplomacy with the United States. After the Modoc resettled for the second time in Lost River, they resumed their traditional hunter-gatherer lifestyles again, and some of them worked as laborers for white ranchers or farmers.[87] Kintpuash's band caught the attention of the Army and the federal government, which prompted negotiations between the Modoc band and the United States. From 1871 to 1872, Kintpuash met with military and federal officials including General Edward S. Canby and Superintendent Meacham to discuss

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[86] Meacham, *Wi-ne-ma*, 39; Arthur Quinn, *Hell With the Fire Out: A History of the Modoc War* (Boston: Faber and Faber, Inc., 1997), 13-9; Riddle, *Indian History*, 33; A. B. Meacham to Hon. E. S. Parker, September 21, 1870, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1870* (Washington: Government Printing Office, 1870), 54.

[87] Bancroft, *History of Oregon*, Volume 2, 566-7; L. S. Dyar to T. B. Odeneal, Esq., August 31, 1872, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1872* (Washington, D. C.: Government Printing Office, 1872) 373-4; James, *Modoc*, 42; E. W. Pollack to I. D. Applegate Esq, May 24, 1870, Fisher Papers, Vol. 1, 21-2; "Report of Conversation, between, Colonel Otis Mr. J. N. High sub agent Klamath Indian Agency and Mr. J. Applegate Commissary, Yainex Agency Oregon, at the Gap on Lost-River Oregon on the 3d of April 1872, with Captain Jack Chief of the Modoc Indians and Thirty five of his Indians," April 3, 1872, Fisher Papers, Volume 1, 167-179; January 29, 1872, Fisher Papers, Volume 1, 86-7; Elmer Otis to Assistant Adjutant General, April 13, 1872, 21-1; Riddle, *Indian History*, 37-8; "Siskiyou County," *Sacramento Daily Union*, September 10, 1870, 5, https://cdnc.ucr.edu/?a=d&d=SDU18700910&e=-------en--20--1--txt-txIN--------; Untitled article, *Weekly Butte Record* (Oroville, CA), September 3, 1870, 2, https://cdnc.ucr.edu/?a=d&d=WBR18700903&e=-------en--20--1--txt-txIN--------.

finding a home for his people in their ancestral territory. Canby, the Commander of the United States Army's Department of the Columbia, was no stranger to Indian affairs. As a young soldier, he fought against the Seminole and other Indians in the Southeast, and during the Civil War he fought against Navajo Indians in the Southwest.[88] Meacham, a longtime advocate for Native causes, was sympathetic to the Modoc, and Kintpuash considered him to be a friend. In his meetings with American officials, Kintpuash made it clear that he would keep his people in line and never fight or bother the settlers, and told the officials to tell settlers they were welcome to live in Lost River. He indicated that he was willing to share space with Americans if it meant keeping his people safe from violence.

In addition to promising to maintain diplomacy with the Americans, Kintpuash also tried to secure a reservation for his people in Lost River on the California-Oregon

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[88] Ed. R. S. Canby to Assistant Adjutant-General, December 1, 1861, in *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* vol 4, (Washington D. C.: Government Printing Office, 1882), 77-8; Ed. R. S. Canby to His Excellency Governor of New Mexico, November 22, 1861, in *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* vol 4, (Washington D. C.: Government Printing Office, 1882), 75-6; L. S. Dyar to T. B. Odeneal, Esq., August 31, 1872, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1872* (Washington, D. C.: Government Printing Office, 1872) 373-4; James, *Modoc*, 42; A. B. Meacham to Hon. E. S. Parker, September 21, 1870, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1870* (Washington: Government Printing Office, 1870), 54; E. W. Pollack to I. D. Applegate Esq, May 24, 1870, Fisher Papers, Vol. 1, 21-2; "Report of Conversation, between, Colonel Otis Mr. J. N. High sub agent Klamath Indian Agency and Mr. J. Applegate Commissary, Yainex Agency Oregon, at the Gap on Lost-River Oregon on the 3d of April 1872, with Captain Jack Chief of the Modoc Indians and Thirty five of his Indians," April 3, 1872, Fisher Papers, Volume 1, 167-179; "Proceedings of Military Commission;" July 1873, in US House of Representatives *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 163-4; January 29, 1872, Fisher Papers, Volume 1, 86-7; Elmer Otis to Assistant Adjutant General, April 13, 1872, 21-1; Riddle, *Indian History*, 37-8; "Siskiyou County," *Sacramento Daily Union*, September 10, 1870, 5, https://cdnc.ucr.edu/?a=d&d=SDU18700910&e=-------en--20--1--txt-txIN--------; Untitled article, *Weekly Butte Record* (Oroville, CA), September 3, 1870, 2, https://cdnc.ucr.edu/?a=d&d=WBR18700903&e=-------en--20--1--txt-txIN--------; Clifford E. Trafzer, *The Kit Carson Campaign: The Last Great Navajo War* (Norman: University of Oklahoma Press, 1982), 45-50, 225-6.

border. This move in particular highlighted his political savviness because it showed he kept up with American officials and went as far as to negotiate land with them – essentially negotiate federal Indian policy. Furthermore, his meetings with officials indicated that it was Kintpuash who instigated these negotiations with officials, thus demonstrating his skills as a political leader. Although Meacham and Canby at first agreed to the young leader's proposal, both men went back on the deal because settlers greatly desired Lost River for settlement and because Meacham was fired as Superintendent and replaced by T. B. Odeneal, who was less sympathetic to Native causes.[89] Specifically, the Applegate family, a prominent family involved in Oregon state and federal politics and who lived near Modoc land, desired the Lost River region because they wanted it to be drained and developed for further settlement. Indeed, like the broken Valentine's Day Treaty of 1864 that protected Modoc territories, American greed for Indigenous territories threatened the Native people's way of life and their homeland.[90]

In July 1872, Superintendent Odeneal received orders from Commissioner of Indian Affairs, F. A. Walker to move the Modoc band back to the Klamath Reservation – a move that would have severe consequences. After Odeneal informed Canby of the

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[89] Ed. R. S. Canby to Assistant Adjutant-General, April 17, 1872, *Official Copies of Correspondence Relative to the War with Modoc Indians*, 1872-3, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 20-1; Compton, *Spirit in the Rock*, 29-30, 41-5; James, *Modoc*, 42, 51-3; A. B. Meacham to Genl. Canby, January 25, 1872, Fisher Papers, Volume 1, 80-1; John Meacham to A. B. Meacham, August 21, 1871, Fisher Papers, Vol. 1, 58-62; A. B. Meacham to I. D. Applegate, November 11, 1871, Fisher Papers, Volume 1, 72-3; A. B. Meacham to Hon. Commissioner of Indian Affairs, October 25, 1871, in *Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1871* (Washington: Government Printing Office, 1871), 305-6.

[90] Compton, *Spirit in the Rock*, 29-30, 41-5.

commissioner's instructions, in October Canby ordered a regiment of soldiers to move the Modoc Indians back to Oregon if things turned violent between the Indians and the soldiers, though he and Odeneal believed that the Modoc would not offer much resistance.[91] On November 29, 1872, an Army regiment commanded by Major James Jackson arrived at the Lost River settlement and ordered the Modoc band to return to the Klamath Reservation. In his testimony from the war crimes trial in July 1873, Kintpuash recounted to the Army that he "hollered to Major Jackson for them not to shoot, that I would talk," and that he promised to take his people back to the reservation.[92] Even when surrounded by soldiers, Kintpuash stuck with diplomacy to keep his people alive.

Unfortunately for Kintpuash, war broke out between his band and the Army. As the laGi soothed tensions between the soldiers and his people, the rifle of one of his closest ally, Scarfaced Charley, misfired.[93] This prompted both sides to engage in gunfire.

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[91] Louis V. Caziarc to Commanding Officer, September 10, 1872, in US House of Representatives, *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874; Louis V. Caziarc to Commanding Officer, October 30, 1872, in US House of Representatives, *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 27; Compton, *Spirit in the Rock*, 76-7; F. A. Walker to T. B. Odeneal, July 6, 1872, in US House of Representatives, *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 237-8.

[92] Applegate, "The Initial Shot," 273 (originally published in *The Klamath Fall Express*, January 10, 1895); James Jackson to Maj. John Green, December 2, 1872, in US House of Representatives O*fficial Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 42-3; "Proceedings," July 1873, in O*fficial Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 173; Riddle, *Indian History*, 44.

[93] In a Microsoft Teams meeting with the author on September 26, 2024, Rachael Blackstone, a Cherokee cultural preservationist for the Modoc Nation of Oklahoma, explained that Charley's gun actually misfired, which sparked the soldiers to shoot at the Indians and the Modoc to shoot back; For the authors who reported about the simultaneous gunshots, see Maj. F. A. Boutelle, "Major Boutelle's Account of his Duel with Scar-faced Charley in the First Engagement," in *Northwestern Fights and Fighters*, 267; Jim Compton *Spirit in the Rock*, 83; James, *Modoc*, 57-8; Robert Aquinas McNally, *The Modoc War* 1-2; Keith A. Murray, *The Modocs and Their War*, 87-8; Jefferson C. Davis Riddle, *The Indian History of the Modoc War*, 45-6. Interestingly, Arthur Quinn on page 54 in his monograph of the war, *Hell With the Fire Out*, states Blackstone's fact – that Scarface Charley's rifle misfired, which sparked the gunfire.

In what became known as the Battle of Lost River, soldiers killed one Modoc Native and wounded two others, while the Modoc killed one soldier and wounded seven others.

Kintpuash and the surviving Modoc Natives fled to the Lava Beds south of Lost River, and were joined by a group of Hot Creek Modoc Indians. These Modoc Natives were led by Hooker Jim and formally worked as ranch hands for John Fairchild, a white rancher who lived outside Yreka. However, the Indians quit their jobs after they learned of a settler attack on members of Kintpuash's band across the river from where soldiers attacked Kintpuash's settlement. The Hot Creek Modoc killed fourteen unarmed settlers as revenge for the attack and joined Kintpuash's band to help them fight the Americans. According to Kintpuash in his testimony to the Army after the war, he tried to turn the Hot Creek Modoc away because he "didn't know anything of any settlers being killed until Hoker Jim came with his band and told me." He made it clear to the Hot Creek Modoc Natives that he "did not want them to stay with me. None of my people had killed any of the whites, and I never told Hooker Jim and his party to murder any settlers." As he made it clear, Kintpuash and his people had never killed settlers before – in fact, they lived with them and were friendly with them because of Kintpuash's diplomacy. The Modoc band did fight back against the Army in the Battle of Lost River, but only because of simultaneous gunshots from both sides and because the soldiers shot at them when the Natives tried to defend themselves. It should also be stressed that the soldiers arrived with guns and tried to force them back at gunpoint while Kintpuash tried to soothe tensions. With regards to the Hot Creek Modoc, they completely went against the young laGi's diplomacy with Americans since they, unlike Kintpuash's band, killed settlers.

Kintpuash saw this violence as a threat to his diplomacy and community because now soldiers would come after the Modoc – something he had tried to avoid for years. Although Kintpuash tried to turn away the Hot Creek Modoc, they stayed with the band and helped them fight the Army during the Modoc War.[94]

From January to April 1873, Modoc warriors battled Army soldiers in the Lava Beds, while Kintpuash met with Canby and other American officials to talk peace. Although the Indians were vastly outnumbered by the soldiers, the Modoc had the upper hand over the military because they took advantage of the Lava Beds' misty climate and rocky terrain since they knew every square inch of the beds.[95] One thing to emphasize about the Modoc War is that diplomacy dominated violence over the course of the conflict. While there were battles or skirmishes between the Indians and the soldiers,

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[94] O. C. Applegate, "The battle on the East side of Lost River," November 29, 1872, Fisher Papers, Vol. 2, 133-9; Boutelle, "Major Boutelle's Account," 268; Compton, *Spirit in the Rock*, 81-6; James Jackson to Maj. John Green, December 2, 1872, in US House of Representatives *Official Copies of Correspondence Relative to the War with Modoc Indians*, 1872-3, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 42-3; Meacham, *Wigwam and Warpath*, 371-6; "Proceedings," July 1873, in O*fficial Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 173, 174; Riddle, *Indian History*, 47.

[95] R. F. Bernard to Maj John Green, January 19, 1873, in US House of Representatives, *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 62-3; E. R. S. Canby to Assistant Adjutant-General, January 20, 1873, in US House of Representatives, *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 46; Ed. R. S. Canby to General W. T. Sherman, January 30, 1873, in US House of Representatives, *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 64; Compton, *Spirit in the Rock*, 13, 105-15; Edwin C. Mason to Major and Bvt. Col John Green, January 21, 1873, in US House of Representatives, *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 61-2; Brig.-Gen. David Perry, "The First and Second Battles in the Lava-Beds, and the Capture of Captain Jack," in *Northwestern Fights and Fighters*, (1907; repr., Lincoln: University of Nebraska Press, 1979), 293-7; Frank Wheaton to Gen. E. R. S. Canby, January 15, 1873, in US House of Representatives, *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 49-50; Frank Wheaton to Gen. E. R. S. Canby, January 19, 1873, in US House of Representatives, *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 50-1.

especially in the latter part of the war, for the most part there was more negotiating than fighting.

During the war, Kintpuash tried to negotiate peace with military and federal officials. From February to April, he and some of his people met with a peace commission that consisted of Meacham, Canby, and Reverend Eleazar Thomas, a Protestant minister from Petaluma just north of San Francisco.[96] The commissioners also had help from their husband and wife translators, Frank and Toby Riddle. Having previously helped her cousin negotiate the peace treaty in 1864, Toby now worked with the Army as the intermediary between the Modoc and the United States. Kintpuash met with the commissioners and their translators several times in different locations, such as Fairchild's home and near the Modoc stronghold in the Lava Beds. Although Kintpuash promised the American commissioners that his people would stop fighting if the United States let them live in their California homeland, the peace commissioners refused the

[96] Ed. R. S. Canby to Gen. W. T. Sherman, February 17, 1873, in US House of Representatives, *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 68; H. R. Clum to A. B. Meacham, Esq., February 5, 1873, in US House of Representatives, *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 245-6; C. Delano to Ed. R. S. Canby, February 19, 1873, in US House of Representatives, *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 254; C. Delano to A. B. Meacham, February 18, 1873, in US House of Representatives, *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 68; C. Delano to A. B. Meacham, March 18, 1873, in US House of Representatives, O*fficial Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 273; C. Delano to Hon. Wm. W. Belknap, January 30, 1873, in US House of Representatives, *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 65; C. Delano to The Acting Commissioner of Indian Affairs, January 29, 1873, in US House of Representatives, *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 65-6; A. A. Sargent to Hon. C. Delano, March 18, 1873, in US House of Representatives, O*fficial Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 273.

leader's offer and ordered him and his people to surrender to the Army.[97] Kintpuash's continuance of diplomacy throughout the war illustrated how much he hoped to avoid any more violence with the United States, and that he would not forsake traditional Modoc political affairs.

Yet maintaining this diplomacy could be frustrating for Kintpuash, as one meeting on April 3 at the Modoc stronghold illustrated the difficulty he experienced when negotiating with the United States. Riddle documented the meeting in his account and noted the conversations of the Modoc and the peace commissioners. According to Riddle's account, as well as Meacham's 1873 testimony to the war crimes tribunal, the meeting became particularly heated between Kintpuash and the peace commissioners after the leader told the Americans "All I ask of you is to give me a reservation near Hot Creek, California, or near the Fairchild's Ranch."[98] When General Canby refused,

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[97] Ed. R. S. Canby to Gen. W. T. Sherman, March 16, 1873, in US House of Representatives, *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 72; Ed. R. S. Canby to Col. W. D. Whipple, March 24, 1873, in US House of Representatives, O*fficial Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 74; Compton, *Spirit in the Rock*, 134-53; Edward Fox, *New York Herald*, March 5, 1873, in *Eyewitnesses to the Indian Wars, 1865-1890*, Vol. 2, *The Wars for the Pacific Northwest*, edited by Peter Cozzens, (Mechanicsburg, PA: Stackpole Books, 2002), 215-223; Edward Fox, *New York Herald*, April 7, 1873, in *Eyewitnesses to the Indian Wars, 1865-1890*, Vol. 2, *The Wars for the Pacific Northwest*, edited by Peter Cozzens, (Mechanicsburg, PA: Stackpole Books, 2002), 229-33; James, *Modoc*, 91-101; A. B. Meacham to H. R. Clum, March 13, 1873, in US House of Representatives, O*fficial Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 269; Meacham, *Wi-ne-ma*, 32, 41, 47; "Message brought by Mary (Captain Jack's sister) from Monday," March 6, 1873, in US House of Representatives, O*fficial Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 269-71; J. C. D. Riddle, "Toby Riddle," interview by Albert Samuels Gatschet, 1875, in Albert Samuel Gatschet, *The Klamath Indians of Southwestern Oregon* (Washington: Government Printing Office, 1890), 54-5 ; "The Modoc War - Terms of Peace -The Indians Discuss Them," *Sacramento Daily Union*, March 6, 1873, 2, https://cdnc.ucr.edu/?a=d&d=SDU18730306&e=-------en--20--1--txt-txIN--------.

[98] "Proceedings of Military Commission;" July 1873, in US House of Representatives *Official Copies of Correspondence Relative to the War with Modoc Indians*, 1872-3, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 158; Riddle, *Indian History*, 65.

Kintpuash said "Then give me these Lava Beds for my home. No white man will ever want to make homes here." Again, Canby and the commissioners denied the laGi's requests. When he inquired why the commission would not grant the Indians their reservation, the commissioners told Kintpuash that his people attacked white settlers. Canby hoped to gain the leader's trust that the Army would not hurt the Modoc when he said, "I tell you, Jack, get all your people together and come out under a flag of truce." Although he told Kintpuash that no one would hurt him and his people, Kintpuash became agitated by this. According to Riddle, he told Canby "when I was a boy a man named Ben Wright killed forty-five of my people under the flag of truce. How many do you think got away with their lives?" He told the commissioners he could not trust the Army to make a truce with them.[99] Despite not reaching a solution, the Indians and the commissioners agreed to meet again on April 11.

It was not that Kintpuash did not want peace with the United States; he was concerned that if he and his people surrendered, then the military would kill or harm them. The young leader was looking out for his people because he did not want them to be exterminated like his father and thirty-nine other Modoc Natives were by Ben Wright and the Siskiyou Volunteer Rangers. Besides, Kintpuash had every right to be worried since Meacham and Secretary of Interior Columbus Delano considered forcibly removing the Modoc band not back to the Klamath Reservation, but to the Arizona or Indian Territories – both far from the Modocs' California homeland.[100] Although Kintpuash

[99] Meacham, *Wi-ne-ma*, 46-7; Riddle, *Indian History*, 65-6.
[100] C. Delano to A. B. Meacham, March 4, 1873, *Official Copies of Correspondence Relative to the War with Modoc Indians*, 1872-3, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 259; A. B. Meacham to C. Delano,

never knew about this, he still believed that the Americans would hurt the Modoc just as they did with their genocidal militia campaigns before the war. In addition to being skeptical of the Americans, Kintpuash wanted to make sure his people were given their home first before any peace could be achieved between the band and the United States. Like his attempts to secure a reservation before the war, the young leader put his people first and made sure they would be taken care of before himself. Indeed, Kintpuash wanted to be sure that no harm would be done to his people.

In addition to dealing with the commissioners, Kintpuash had to deal with the Hot Creek Modoc Indians who tried to jeopardize his negotiations with the United States. Although he tried to keep the warriors in place, eventually the Hot Creek Indians compelled him to abandon his diplomacy and choose violence. According to Riddle's account, after a meeting with the commissioners, the band pondered their future, and like they had done before the Americans, called a council to discuss their situation. Hawkish Natives encouraged Kintpuash to kill the peace commissioners, especially General Canby, because they believed it would defeat the Americans, but Kintpuash refused. But over the course of the council, the hawks won over support of the majority of the band, even the more diplomatic Natives. Soon, most of the band voiced their support for war. To them, they viewed killing Canby as revenge for Ben Wright and the Siskiyou Volunteer Rangers killing their kinsmen back in 1852. Still, Kintpuash refused.[101]

March 2, 1873, *Official Copies of Correspondence Relative to the War with Modoc Indians*, 1872-3, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 259.

[101] Riddle, *Indian History*, 69, 71, 72, 76.

However, after hawkish Natives threatened and insulted him, and hoping to retain the trust of his people, Kintpuash agreed to kill Canby. Still, Kintpuash showed some restraint with the plan when he also stated that "I will say this again, my people, if Canby refuses to give us a home in our country, I will ask him many times." He mentioned that if Canby would not give them a home, then he would, as he put it, "commit the bad act."[102] Kintpuash's words illustrated that he respected the decision of his people they reached through consensus and would act on it – thus fulfilling his role as their laGi. But more importantly, it highlighted that even when he agreed to sever his diplomacy with the United States, he still held out some hope for peace. He would only resort to violence if he had to for his people.

On the morning of April 11, 1873, the Modoc Indians and peace commissioners accompanied by their translators met outside the Modoc stronghold to talk peace. Although Toby Riddle warned Canby and the other commissioners not to go because the Indians would kill them, as a Modoc named Weium had warned her, Canby ignored her. Reverend Thomas tried to be optimistic, while Meacham carried a pistol just in case. At the meeting Canby told Kintpuash that he wanted to help the band, but the Native leader pushed back at this and said: "Take away your soldiers; take away your big guns, and then we can talk peace. Either do that or give me a home in Hot Creek." He added "If you ever promise me a home, somewhere in this country, promise me today." Hoping that he could avoid killing Canby, he made one last attempt at peace because he believed he could convince the commissioners that the Modoc would not fight any more if they had a

[102] Riddle, *Indian History*, 69, 71, 72, 76.

home in their ancestral territory. Through his requests, Kintpuash showed how much he valued diplomacy over violence.[103]

But despite Kintpuash's diplomatic gestures, the meeting turned violent after Canby did not respond to Kintpuash's plea for a California homeland. After Meacham responded to a request by a Hot Creek warrior named Schonchin John, Kintpuash pulled out his gun and shouted in Modoc to kill the commissioners. After his gun first misfired, he shot Canby, who was then killed by a warrior named Ellen's Man, and another Modoc warrior named Boston Charley killed Reverend Thomas. Meacham tried to escape, but Schonchin John gravely wounded the commissioner. As Modoc Indians tried to scalp Meacham, Toby shouted that more soldiers were coming, which scared the warriors away and saved Meacham's life. Soldiers arrived at the site and carried Meacham away to treat him.[104]

After the massacre, the Army intensified the hunt for the remaining Modoc Indians. On April 22, soldiers pushed the Modoc band out of their stronghold in the Lava Beds, but Kintpuash and most of the Indians escaped and scattered into various bands that engaged in guerilla war against the soldiers around the Lava Beds. But soldiers eventually gained the upper hand because they had help from Warm Springs Indian

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[103] Riddle, *Indian History*, 90.

[104] Alvan C. Gillem to Adjutant General, April 11, 1873, in US House of Representatives, *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 75-6; *Official Copies of Correspondence Relative to the War with Modoc Indians*, 1872-3, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 165-6; McNally, *The Modoc War*, 198; Meacham, *Wi-Ne-Ma*, 48-50, 53; A. B. Meacham to Hon. C. Delano, April 16, 1873, in US House of Representatives, O*fficial Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 286-7; "Proceedings of Military Commission;" July 1873, in US House of Representatives *Official Copies of Correspondence Relative to the War with Modoc Indians*, 1872-3, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 164-5; Riddle, *Indian History*, 69, 71, 72, 76, 77-80, 90-8.

scouts from Oregon and some Modoc warriors who tracked the remaining Natives. With help from their Indigenous trackers, the Army killed or captured the remaining Modoc Indians, except for Kintpuash and his family, who continued to elude the soldiers. On June 1, Native scouts and soldiers found Kintpuash and the remaining Modoc Indians hiding near a cave in Northern California. The leader surrendered in the hopes that he could still talk peace with the United States, but soldiers imprisoned him with the remaining members of his band at Fort Klamath.[105]

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[105] "Another Massacre by the Modocs: Disastrous Battle with the Indians," *The Sun* (Baltimore), April 30, 1873, 1, https://www.proquest.com/news/docview/534136091/CB29A819440742E9PQ/1?accountid=14521&sourcetype=Historical%20Newspapers; "Captain Jack Surrenders," *Daily Alta California* (San Francisco), June 3, 1873, 1, https://cdnc.ucr.edu/?a=d&d=DAC18730603.2.24&srpos=15&e=------187-en--20--1--txt-txIN-captain+jack----1873---1; "Colonel Davis, the Successor of General Canby," *Marysville Daily Appeal*, April 27, 1873, 3, https://cdnc.ucr.edu/?a=d&d=MDA18730427&e=-------en--20--1--txt-txIN--------; Jeff C. Davis to Assistant Adjutant-General, May 4, 1873, in US House of Representatives, O*fficial Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 83-4; Jeff C Davis to J. M. Schofield, May 8, 1873, in US House of Representatives, O*fficial Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 84; Jeff C. Davis to J. M. Schofield and General W. T. Sherman, May 8, 1873, in US House of Representatives, O*fficial Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 84; "Fairchild's Ranch," *Daily Alta California* (San Francisco), May 29, 1873, 1, https://cdnc.ucr.edu/?a=d&d=DAC18730529.2.22&srpos=37&e=------187-en--20--21--txt-txIN-%22modoc%22----1873---1; "From the Modoc Country – More Indians Who Wish to Surrender – The Indian Prisoners," *Sacramento Daily Union*, May 21, 1873, 8, https://cdnc.ucr.edu/?a=d&d=SDU18730531.2.47.3&e=------187-en--20--61--txt-txIN-%22captain+jack%22----1873---1; "From the Modoc Country," *Sacramento Daily Union*, May 24, 1873, 1, https://cdnc.ucr.edu/?a=d&d=SDU18730524.2.2.2&srpos=44&e=------187-en--20--41--txt-txIN-%22modoc%22----1873---1; Alvan C. Gillem to Assistant Adjutant-General, April 20, 1873, in US House of Representatives, O*fficial Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 79-82; Alvan C. Gillem to General Sherman, April 29, 1873, in US House of Representatives, O*fficial Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 82-3; Brig.-Gen. H. C. Hasbrouk, "The Last Fight of the Campaign," in *Northwestern Fights and Fighters* (1907; repr., Lincoln: University of Nebraska Press, 1979), 320-5; James, *Modoc*, 149-52; McNally, *The Modoc War*, 232-40, 251-60, 265-72, 275-82; Perry, "The First and Second Battles," 298-304; Riddle, *Indian History*, 120-3, 128-9, 134-40, 141-50, 156; J. M. Schofield to Gen. W. T. Sherman, June 5, 1873, in US House of Representatives *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 86; "Surrender of Captain Jack and the Remainder of the Tribe — The War Certainly Ended," *Sacramento Daily Union*, June 3, 1873, 2, https://cdnc.ucr.edu/?a=d&d=SDU18730603.2.15.3&srpos=5&e=------187-en--20--1--txt-txIN-%22captain+jack%22+%22surrender%22-------1; E. V. Sumner and H. Clay Wood, "Special Orders No. 59a. - Extract," May 21, 1873, in US House of Representatives, O*fficial Copies of Correspondence Relative*

After consulting with the attorney general of the United States, in July, Army officials charged Kintpuash and five other Modoc Natives for war crimes against the United States in a military trial at Fort Klamath. Officials specifically charged the six Indians for the murders of General Canby and Reverend Thomas as well as the attempted murder of Alfred Meacham.[106] The Army officials who oversaw the trial made it as

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to the War with Modoc Indians, 1872-3, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 126; E. D. Townsend to Col. J. C. Davis, April 14, 1873, in US House of Representatives, O*fficial Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 78; E. D. Townsend to Maj. Gen. J. M. Schofield, April 14, 1873, in US House of Representatives, O*fficial Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 79; "The Lava Bed Modocs Sent to Fort Klamath," *Sacramento Daily Union*, June 15, 1873, 3, https://cdnc.ucr.edu/?a=d&d=SDU18730616.2.23.5&srpos=3&e=------187-en--20--1--txt-txIN-%22fort+klamath%22----1873---1; "The Modoc War: Another Battle in the Lava Beds," *The Philadelphia Inquirer*, April 30, 1873, 1, https://www.proquest.com/news/docview/1825676579/75F62687848E497BPQ/1?accountid=14521&sourcetype=Historical%20Newspapers; "The Modoc War: A Reconnoitering Party Surprised by the Enemy, Twenty-Two Killed And Many Wounded," *Hartford Daily Courant*, April 30, 1873, 3, https://infoweb-newsbank-com.us1.proxy.openathens.net/apps/readex/doc?p=EANX&t=pubname%3A111FB735D6420B38%21Hartford%2BDaily%2BCourant/year%3A1873%211873/mody%3A0430%21April%2B30&year=1873&docref=image%2Fv2%3A111FB735D6420B38%40EANX-12EB2D1F0BBA8C58%402405279-12E8D27A75C94598%402&origin=image%2Fv2%3A111FB735D6420B38%40EANX-12EB2D1F0BBA8C58%402405279-12E8D27A74DF04D8%400; "The Modoc War," *Sentinel* (Red Bluff, CA), May 17, 1873, 2, https://cdnc.ucr.edu/?a=d&d=RBS18730517.2.8&srpos=61&e=------187-en--20--61--txt-txIN-%22captain+jack%22----1873---1; "The Modoc War," *Weekly Colusa Sun*, April 19, 1873, 2, https://cdnc.ucr.edu/?a=d&d=WCS18730419.2.10&srpos=99&e=------187-en--20--81--txt-txIN-%22modoc+indians%22----1873---1.

[106] McNally, *The Modoc War*, 292-310; Meacham, *Wigwam and Warpath*, 607, 628, 631, 634; "Military Commission to try the Modocs - The Warm Springs Indians," *Marysville Daily Appeal*, June 26, 1873, 3, https://cdnc.ucr.edu/?a=d&d=MDA18730626.2.17&srpos=6&e=------187-en--20--1--txt-txIN-%22fort+klamath%22----1873---1; "Proceedings of Military Commission;" July 1873, in US House of Representatives *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 133-6, 133-83; Riddle, *Indian History*, 158-60, 161; J. M. Schofield to Gen. W. T. Sherman, June 5, 1873, US House of Representatives *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 86; W. T. Sherman to Gen. J. M. Schofield, June 7, 1873, in US House of Representatives *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 90-1; W. T. Sherman to General W. W. Belknap, June 3, 1873, in US House of Representatives *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 84-5; E. D. Townsend to Maj. Gen. J. M. Schofield, June 30, 1873, in US House of Representatives *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 92; "The Modoc Trials," *Sacramento Daily Union*, July 12, 1873, 1, 4, https://cdnc.ucr.edu/?a=d&d=SDU18730712.2.30&srpos=1&e=-------en--20--1--txt-txIN-%22The+Modoc+Trials%22-------; Geo. H. Williams to The President, June 7, 1873, in US House of

unfair as possible for the six defendants by breaking military rules for conducting a military tribunal. They kept the Natives shackled during the trial, did not inform them of their right to challenge any biased member of the commission, stacked the commission with racist, anti-Indian soldiers, and did not provide the defendants with legal counsel. Although officials provided Toby and Frank Riddle as translators for the Modoc defendants, the Riddles testified against the defendants – a clear conflict of interest that the Army never settled.[107] Overall, the trial looked as if the Army wanted revenge, not justice for Canby and Thomas. Military officers such as Davis and Commander Sherman wanted the Modoc dead for killing Canby and Thomas, and by putting the Indians on trial, the military found a way to legitimize the genocide of the Modoc and California Indians. The trial appeared to the public – who called for the extermination of the Modoc defendants and people as a whole – as if the United States had solved the so-called "Indian problem" legally.[108]

Representatives *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 88-90.

[107] Compton, *Spirit in the Rock*, 224-7; *Manual For Courts-Martial United States,* 2012 Edition, accessed April 12, 2022, 213, https://tile.loc.gov/storage-services/service/ll/llmlp/MCM-2012/MCM-2012.pdf; McNally, *The Modoc War*, 292-310; Meacham, *Wigwam and Warpath*, 628, 631, 634; "Proceedings of Military Commission;" July 1873, 136-47; Riddle, *Indian History*, 158-60, 161; "The Modoc Trials," *Sacramento Daily Union*, July 12, 1873, 1, 4, https://cdnc.ucr.edu/?a=d&d=SDU18730712.2.30&srpos=1&e=-------en--20--1--txt-txIN-%22The+Modoc+Trials%22-------.

[108] Mrs. Mary L. Benham to Columbus Delano, June 8, 1873, in US House of Representatives *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 290-1; "Extermination: The Modoc Massacre to be Speedily Avenged," *New York Herald*, April 14, 1873, 3, 10, https://infoweb-newsbank-com.us1.proxy.openathens.net/apps/readex/doc?p=EANX&t=pubname%3A11A050B7B120D3F8%21New%2BYork%2BHerald/year%3A1873%211873/mody%3A0414%21April%2B14&year=1873&docref=image%2Fv2%3A11A050B7B120D3F8%40EANX-1363229B0EF75838%402405263-1362D3D415B528D0%402&origin=image%2Fv2%3A11A050B7B120D3F8%40EANX-1363229B0EF75838%402405263-1362D3D4141330D0%400; "General Davis on the Lost Opportunity of Punishing the Modocs Sound Views," *New York Herald*, June 13, 1873, 6, https://infoweb-newsbank-com.us1.proxy.openathens.net/apps/readex/doc?p=EANX&t=pubname%3A11A050B7B120D3F8%21New

Kintpuash testified about his experience with settlers and the war. He repeatedly stated he never wanted to fight anybody, and mentioned that he considered the settlers to be his friends. He explained that he "always told the white men when they came to my country, that if they wanted a home to live there they could have it." By discussing his relationship with Americans, the young leader attempted to explain that he and his people had lived in peace with the settlers and never desired war with them. Kintpuash also mentioned in his testimony that it was the Army who "started this fight" because he believed that Major Jackson and his soldiers came to Lost River "to fight me." He even

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%2BYork%2BHerald/year%3A1873%211873/mody%3A0613%21June%2B13&year=1873&docref=image%2Fv2%3A11A050B7B120D3F8%40EANX-131231DFC04E8D60%402405323-131231E02C75CA48%405&origin=image%2Fv2%3A11A050B7B120D3F8%40EANX-131231DFC04E8D60%402405323-131231DFD3C47490%400; McNally, *The Modoc War*, 292, 295-6; "The Modoc War, General Davis' Campaign –How the War Was Ended," *Evening Bulletin* (San Francisco), June 7, 1873, 1; "The Modoc Massacre of the Peace Commissioners--General Canby and Peace Commissioner Thomas Killed," *New York Herald*, April 13, 1873, 8, https://infoweb-newsbank-com.us1.proxy.openathens.net/apps/readex/doc?p=EANX&t=pubname%3A11A050B7B120D3F8%21New%2BYork%2BHerald/year%3A1873%211873/mody%3A0413%21April%2B13&year=1873&docref=image%2Fv2%3A11A050B7B120D3F8%40EANX-136322999031D7F0%402405262-1362D3D40C98D2B0%407&origin=image%2Fv2%3A11A050B7B120D3F8%40EANX-136322999031D7F0%402405262-1362D3D407408D58%400; "The Modoc War – Suggestions Respecting the Policy of Extermination," *New York Herald,* April 17, 1873, 8, https://infoweb-newsbank-com.us1.proxy.openathens.net/apps/readex/doc?p=EANX&t=pubname%3A11A050B7B120D3F8%21New%2BYork%2BHerald/year%3A1873%211873/mody%3A0417%21April%2B17&year=1873&docref=image%2Fv2%3A11A050B7B120D3F8%40EANX-1363229F0252CD88%402405266-1362D3D43909E208%407&origin=image%2Fv2%3A11A050B7B120D3F8%40EANX-1363229F0252CD88%402405266-1362D3D433BF7790%400; W. T. Sherman to General W. W. Belknap, June 3, 1873, in US House of Representatives *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 84-5; "Some of the Lessons of the Modoc War," *Daily Evening Bulletin* (San Francisco), April 18, 1873, 2; "The War with the Modocs," *The Sun* (Baltimore), April 15, 1873, 1, https://www.proquest.com/news/docview/534137415/525F72AA055A4A59PQ/3?accountid=14521&sourcetype=Historical%20Newspapers; "Termination of the Modoc War," *Inyo Independent* (Independence, CA), June 7, 1873, 2, https://cdnc.ucr.edu/?a=d&d=II18730607&e=-------en--20--1--txt-txIN--------; "Wednesday Morning," *Marysville Daily Appeal*, June 4, 1873, 2, https://cdnc.ucr.edu/?a=d&d=MDA18730604&e=-------en--20--1--txt-txIN--------.

pointed out that the soldiers "commenced shooting" and "shot some of my women" as well as "men."[109]

Kintpuash did not stop at the Army. In further testimony provided by Jeff C. Riddle in his text, the young leader further singled out the American settlers who did try to exterminate his people: "You people can shoot any of us Indians any time you want to whether we are in war or in peace." He pointed out that Ben Wright "killed nearly fifty of my people. Among the killed was my father." Kintpuash also pointed out that neither he nor his men were punished. Instead, "The other civilized white people at Yreka, California, made a big hero of him, gave him a fine dinner and a big dance in his honor for murdering innocent Indians."[110] By name-dropping Jackson, the Army, and Ben Wright, Kintpuash argued that the United States, not himself or the Modoc, started the war because settlers and soldiers came into his people's homeland and shot at them – a bold assertation not only because it was true, but because he accused the very body who put him on trial of starting the war in the first place. Indeed, Kintpuash illustrated his patriotism for his people by standing up for them and clearing their names in court.

Kintpuash also blamed hawkish Hot Creek Modoc for destroying his diplomacy with the United States: "My men would not listen to me. They wanted to fight, I told them not to fight. I wanted to talk and make peace and live right; but my men would not listen to me."[111] On the topic of the Peace Tent Massacre, Kintpuash told the tribunal that the Hot Creek Modoc pushed him to attack Canby and the other commissioners, but

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[109] *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 173.
[110] Riddle, *Indian History*, 189.
[111] "Proceedings of a Military Commission," July 1873, 173-8.

emphasized that he never wanted to attack anyone: "they [Hot Creek Modoc] all advised me to do it." He testified that he "wondered to myself if there could be any other man that it could be laid upon," and further said that he told the Hot Creek that he "did not want to have any trouble with the peace commissioners; that I did not want to kill them."[112] Throughout his testimony, the laGi told his side of the story – that he was a man of peace whose diplomacy was destroyed by forces he could not control. By discussing his relationship with Americans, the leader flipped the popular notion settlers had of Modoc Indians as a violent people by revealing his people were nothing but peaceful with settlers.

Indeed, Kintpuash demonstrated Modoc diplomacy and complexity throughout his testimony, but although he argued that he never wanted violence, officials sentenced him and the other Modoc defendants to death. On October 3, soldiers hanged Kintpuash and three other Modoc Indians – Schonchin John, Boston Charley, and Black Jim – at Fort Klamath, while two of the defendants' sentences – Barncho and Slolux – were secretly commuted to life in prison on Alcatraz Island by President Grant because of their young ages. After the hangings, Army and federal officials forcibly removed the surviving members of Kintpuash's band to the Indian Territory.[113]

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[112] "Proceedings of a Military Commission," July 1873, 174-8.
[113] Wm. W. Belknap, August 24, 1873, in US House of Representatives *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 183; U. S. Grant, August 22, 1873, in US House of Representatives *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 183; H. P. Curtis to Maj. J. M. Schofield, September 2, 1873, in US House of Representatives *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 198-9; Dunbar-Ortiz, *An Indigenous Peoples' History of the United States*, 159; U. S. Grant, August 22, 1873, in US House of Representatives *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 183; James, *Modoc*, 159-60; "Proceedings of Military Commission;" July 1873, 178-9, 181-3; "The End of the Modocs," *Sacramento Daily Union*, October 6,

All his life, Kintpuash wanted nothing but peace between his people and American settlers because he believed that violence begot more violence. After Ben Wright and his militiamen killed his father, the young laGi set out to establish diplomacy with Americans to protect his people from further violence. He befriended settlers and negotiated a treaty with them and other Indians – which he could not have done without his cousin Toby – only to have the treaty rejected by the Senate because of American greed for Modoc lands. Although he signed the Treaty of Council Grove in 1864, Kintpuash took his band home to Lost River twice because of poor living conditions on the Klamath Reservation. When the band returned to find more settlers in their home, Kintpuash encouraged his people to live and work with them to keep the peace. He negotiated with American officials for a reservation, but American greed and politics shut it down. When soldiers arrived to remove the band back to Oregon, Kintpuash tried to negotiate. However, violence erupted between the Indians and the soldiers, and Kintpuash fled with his people to the Lava Beds. For months, the laGi negotiated for peace with American commissioners while he dealt with his hawkish Natives. Although

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1873, 1, https://cdnc.ucr.edu/?a=d&d=SDU18731006.2.2&srpos=84&e=------187-en--20--81--txt-txIN-%22captain+jack%22----1873---; "The Modoc Exiles," *Daily Alta California* (San Francisco), October 26, 1873, 1, https://cdnc.ucr.edu/?a=d&d=DAC18731026.2.20&srpos=6&e=------187-en--20-DAC-1--txt-txINmodoc+execution----1873---; "The Last Scene," *Daily Alta California* (San Francisco), October 5, 1873, 1, https://cdnc.ucr.edu/?a=d&d=DAC18731005.2.25&srpos=77&e=------187-en--20--61--txt-txIN-%22captain+jack%22----1873---; E. D. Townsend, August 23, 1873, in *US House of Representatives Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 95-7; E. D. Townsend, September 12, 1873, in US House of Representatives *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 203; E. D. Townsend to Maj. Gen. J. W. Schofield, September 13, 1873, in US House of Representatives *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 99; E. D. Townsend to First Lieut. M. C. Wilkinson, November 3, 1873, in US House of Representatives *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 104.

this diplomacy collapsed after Kintpuash and hawkish Natives killed Canby, Thomas, and almost killed Meacham, the laGi maintained it as long as he could, and even when he saw that his people wanted a drastic change, he still held on to it until he no longer could.

All of this is to say that when looking at the Modoc War from the perspective of Kintpuash and his band, it complicates the narrative that previous scholars have written about in their histories. It is true that a small Modoc band held off the Army, but the focus on military prowess ignores diplomacy. Indeed, Kintpuash tried to maintain peace as long as he could, and he demonstrated to be both a diplomat and patriot for his people. Although the Army executed him and three other Modoc Natives for their roles in the Peace Tent Massacre, his band survived the war and went on to rebuild their community in Indian Territory.

Chapter 4: A Home Away from Home: The Early Years of the Modoc Band in Indian Territory

In July 1873, as military officials tried Kintpuash and the five other Modoc defendants in Oregon, federal officials in Kansas and Washington D. C. discussed removing Kintpuash's band to Indian Territory. Commissioner of Indian Affairs Edward P. Smith suggested removing the band to the Territory because he believed Kintpuash's band would be well suited to the region since they knew how to farm. Enoch Hoag, who headed the Central Superintendency that oversaw reservations in both Kansas and Indian Territory, agreed with Smith, and planned the removal. In October, after soldiers executed Kintpuash and the three other Modoc defendants, soldiers and military officials removed the survivors of Kintpuash's band to Indian Territory, where they arrived in November.[114]

The early years in the Indian Territory proved to be challenging for the band as they rebuilt their lives in the Southwest. They turned to agriculture with resources provided by their Indian agent, a Quaker named Hiram Jones, and also found work in

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[114] Wm. W. Belknap to the Hon. Secretary of the Interior, November 1, 1873, in US House of Representatives, *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 330; H. R. Clum to Enoch Hoag, July 16, 1873, in US House of Representatives, *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 313; H. C. Hasbrouck to Major Samuel Breck, November 5, 1873, in US House of Representatives, *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 102; Enoch Hoag to Hon. E. P. Smith, September 9, 1873, in US House of Representatives, *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 312; Riddle, *Indian History*, 192; Edwd. P. Smith to Enoch Hoag, July 3, 1873, US House of Representatives, *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 296-7; Edwd P. Smith, October 31, 1873, in US House of Representatives, *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 103; E. D. Townsend to First Lieut. M. C. Wilkinson, November 3, 1873 in US House of Representatives, *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 104; H. W. Jones to Enoch Hoag, September 21, 1874, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1874* (Washington, D. C.: Government Printing Office, 1874), 230.

border towns reminiscent of those in California and Oregon. The Modoc also encountered corruption from Jones and his cronies who stole their annuities promised by the federal government. Most tragic of all was the loss of fellow Natives to disease or the hot climate, and the small band's population decreased during their first ten years in the Southwest.[115] The Modoc band experienced several challenges during their first decade in Indian Territory, but survived by making accommodations to their livelihoods.

The forced removal of the Modoc band to the Indian Territory was carefully and meticulously planned by federal and military officials over a course of a few months. Talks of removing the Modoc band first emerged during the Modoc War with Alfred Meacham, the longtime ally of the Modoc who served as one of the peace commissioners. In March 1873, Meacham wrote to Secretary of Interior Delano to update him about peace talks with the band. He pointed out that he proposed to the Natives they surrender as prisoners of war to General Canby, who would then remove them to Angel Island, where they would be in his words, "protected, fed, and clothed." Meacham also stated that after their wait on Angel Island, the government would remove the band to a

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[115] Boutelle, "Major Boutelle's Account of His Duel with Scar-Faced Charley in the First Engagement," 270; James, "Cheewa James Oral History," interview by California Museum, March 25, 2011, video, 3:01-28, https://www.youtube.com/watch?v=24xog279C78; Hayman, "An Interview with Mrs. Cora Hayman," interviewed by Nannie Lee Burns, October 21, 1937, 4, 8; H.W. Jones to Hon. Edw. P. Smith, September 20, 1875, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of Interior* (Washington, D. C.: Washington Printing Office, 1875), 282; H. W. Jones to the Commissioner of Indian Affairs, August 21, 1876, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of Interior for the Year 1876* (Washington, D. C.: Washington Printing Office, 1876), 57; H. W. Jones to the Commissioner of Indian Affairs, August 24, 1877, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of Interior* (Washington, D. C.: Washington Printing Office, 1877), 103; H. W. Jones to The Commissioner of Indian Affairs, August 30, 1878, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1878* (Washington, D. C.: Government Printing Office, 1878), 66; James, *Modoc*, 187-8, 189-92.

permanent home in the Arizona Territory.[116] Meacham also presented this idea in his letter to H. R. Clum, the then-Commissioner of Indian Affairs.[117]

When looking at Meacham's ideas, one can clearly see how awful they were for the Modoc band because it meant they would be imprisoned by the Army on an island and then removed to a region completely unknown to them. For Meacham though, his ideas reflected how he saw himself as an ally to the Modoc people. Firstly, his insistence the Modoc Natives be provided food and clothing reflected his longtime goal of taking care of the Native people, which he tried to do as their Superintendent of Indian Affairs. Secondly, his idea of removing the band to the Arizona Territory where they could have, in his own words, "a permanent home" reflected another goal of his: ensuring the Native people had their own home, which he also tried to secure when he was Superintendent before the government fired him.[118] Although his proposals were terrible, they illustrated how Meacham believed he always had the best interests of his Modoc allies at heart, even if it meant telling them to surrender to the Army who would imprison and remove them away from their home.

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[116] A. B. Meacham to C. Delano, March 2, 1873, *Official Copies of Correspondence Relative to the War with Modoc Indians*, 1872-3, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 259.
[117] A. B. Meacham to Hon. H. R. Clum, March 3, 1873, in US House of Representatives, *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 260.
[118] Ed. R. S. Canby to Assistant Adjutant-General, April 17, 1872, *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 20-1; James, *Modoc*, 42, 51-3; A. B. Meacham to Genl. Canby, January 25, 1872, Fisher Papers, Volume 1, 80-1; A. B. Meacham to I. D. Applegate, November 11, 1871, Fisher Papers, Volume 1, 72-3; A. B. Meacham to C. Delano, March 2, 1873, *Official Copies of Correspondence Relative to the War with Modoc Indians*, 1872-3, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 259; A. B. Meacham to Hon. Commissioner of Indian Affairs, October 25, 1871, in *Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1871* (Washington: Government Printing Office, 1871), 305.

Delano wrote back to Meacham a couple days later and offered his own idea in a short letter to the peace commissioner. According to Delano, if the Modoc Natives left the Pacific Coast, as in they would be removed by the United States, they would be removed "to Indian Territory, not Arizona."[119] Unlike Meacham, Delano presented forced removal not as an opportunity for the Modoc to find a home for themselves, but as more of a punishment for fighting the United States, especially since Indian Territory was even farther away from California compared to the Arizona Territory. Although soldiers and officials did not immediately remove the band to either Arizona or Indian Territories after Kintpuash surrendered, one can see how forced removal emerged as an option for the government as it dealt with the band.

After soldiers imprisoned Kintpuash and his people at Fort Klamath, Oregon, talks of forcibly removing the Modoc band picked up again by officials higher than Meacham. In July, as military officials conducted the war crimes trial at Fort Klamath, in Washington, D. C., Commissioner of Indian Affairs Edward P. Smith wrote to Enoch Hoag, the Superintendent of the Central Superintendency Department of Indian Affairs in Kansas. Smith shared his idea about removing the Modoc band to the Indian Territory. In his letter dated July 3, 1873, Smith believed the Indian Territory would be a good home for the Modoc Indians since they according to him "have shown a disposition and some aptitude for agriculture." He further elaborated that he believed "with appropriate assistance," the band could "become self-supporting in a country adapted to the

[119] C. Delano to A. B. Meacham, March 4, 1873, *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 259.

cultivation of the soil and raising stock."[120] According to Smith, since the Modoc knew how to farm, they could live in Indian Territory and support themselves because the region was suited for agriculture. Smith hoped that the Modoc band could become assimilated more easily if removed to Indian Territory.

While Smith acknowledged that the band knew how to farm, he did not completely understand how the band lived overall. Firstly, although some members of Kintpuash's band worked as farm hands for white settlers in Northern California, especially after they returned to Lost River after they left the Klamath Reservation in 1865 and 1870, they still maintained aspects of their hunter-gatherer lifestyle they practiced before settlers arrived.[121] This could be seen in Lindsay Applegate's report for 1866 to then-Superintendent of Indian Affairs for Oregon, J. W. Perit Huntington, in which he noted that Modoc Natives were gathering roots and seeds, even when some of them found work for white settlers near Yreka.[122] Indeed, the Modoc did not replace or give up hunting and gathering with agriculture – they incorporated it into their lifestyles as something that provided additional resources for the community.

Secondly, although Smith believed the Modoc band could become "self-supporting" if removed to the Indian Territory, the band already supported themselves

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[120] Edwd. P. Smith to Enoch Hoag, July 3, 1873, US House of Representatives, *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 296-7.
[121] L. Applegate to Stephen B. Thoburn, September 19, 1869, Fisher Papers, Vol. 1, 10-1; Boutelle, "Major Boutelle's Account of His Duel with Scar-Faced Charley in the First Engagement," 270; Compton, *Spirit in the Rock*, 38-40; James, "Cheewa James Oral History," interview by California Museum, March 25, 2011, video, 3:01-28, https://www.youtube.com/watch?v=24xog279C78; James, *Modoc*, 37-8; E. Steel[e] to the Commanding Officer at Fort Klamath, August 28, 1865, Fisher Papers Vol. 1, 1-2; A. M. Roseborough, April 6, 1868, Fisher Papers Vol. 1, 6.
[122] Applegate to Hon. J. W. P. Huntington, August 6, 1866, 90.

when they lived and worked with the American settlers shortly before the war, which illustrated the diplomacy of Kintpuash. Indeed, thanks to Kintpuash, he and his people maintained mostly peaceful relations during the late 1860s and early 1870s. Although settlers sometimes complained of small brushes with the Modoc band, which included Natives taking grains or some Modoc demanding the settlers pay taxes, Kintpuash made his best efforts to maintain peace between his people and the Americans. In fact, settlers acknowledged his diplomacy in their letters of complaints about brushes with the Natives.[123] By maintaining diplomacy with the settlers, Kintpuash kept his community safe from settler violence before the Modoc War began. Overall, Smith failed to recognize the resilience of Kintpuash's band.[124]

After the trial, Smith and other officials more concretely planned for the removal of the band to Indian Territory. Enoch Hoag wrote back to Smith a few days later on July 8, wherein he agreed that the Modoc band could be removed to the region. Hoag would oversee the band since his position oversaw seven Indian reservations in the Indian Territory and three in Kansas. Hoag believed that the band would "either incorporated with some tribe or on a reservation by themselves."[125] Hoag agreed with Smith's belief

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[123] James, *Modoc*, 42; L. S. Dyar to T. B. Odeneal, Esq., August 31, 1872, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1872* (Washington, D. C.: Government Printing Office, 1872) 373-4; E. W. Pollack to I. D. Applegate Esq, May 24, 1870, Fisher Papers, Vol. 1, 21-2; "Report of Conversation, between, Colonel Otis Mr. J. N. High sub agent Klamath Indian Agency and Mr. J. Applegate Commissary, Yainex Agency Oregon, at the Gap on Lost-River Oregon on the 3d of April 1872, with Captain Jack Chief of the Modoc Indians and Thirty five of his Indians," April 3, 1872, Fisher Papers, Volume 1, 167-179; January 29, 1872, Fisher Papers, Volume 1, 86-7; Elmer Otis to Assistant Adjutant General, April 13, 1872, 21-1; Riddle, *Indian History*, 37-8

[124] Smith to Enoch Hoag, July 3, 1873, 296.

[125] Enoch Hoag to Hon. E. P. Smith, September 9, 1873, in US House of Representatives, *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 312; James, *Modoc*, 190.

that the territory would be perfect for the Modoc band since a number of the members practiced agriculture.

Hoag presented a few options of where the government could settle the Modoc: either with the Peoria and Miami who lived on one reservation together, with the Quapaws, on a tract west of the Sac and Foxes, or on a tract west of the Pottowatomies. Hoag especially noted that the Modoc would do well living with the Quapaw, who Agent Hiram Jones looked after, because of the agency's "good school advantages," though he also claimed that the Modoc would fare the best if the government removed them close to the Peoria and Miami.[126] Hoag's mention of the schools on the Quapaw Agency indicated that the government wanted the Modoc Natives assimilated, or more assimilated than Washington officials assumed they were. H. R. Clum, the acting commissioner, wrote to Hoag and instructed him to meet with the Peoria and Miami tribes, as well as the Quapaws, to see if either community would accept the Modoc.[127] These conversations among the government officials indicated that they carefully and meticulously planned the forced removal of the Modoc band.

As federal and military officials planned the removal of the Modoc band, in August President Grant presented his plan for the band's fate. In an order dated August 13, Grant ordered, in his words, the "removal of all other Modocs, including women, children, and scouts, to Fort D. A. Russell [located in the Wyoming Territory], as prisoners of war, to be disposed of hereafter as may ordered." As Grant made it clear in

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[126] Hoag to Hon. E. P. Smith, September 9, 1873, 312.
[127] H. R. Clum to Enoch Hoag, July 16, 1873, in US House of Representatives, *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 313.

his order, he wanted the entirety of the remainder of Kintpuash's band to be removed out of the Northwest. But it was not just Kintpuash's people that Grant wanted gone. He also wanted the Modoc scouts who gave themselves up and assisted the Army in their campaign against Kintpuash to be removed with the band, even though they were originally not from his band. Indeed, although these scouts at first joined Kintpuash's band at the beginning of the war to help the band fight the United States, they were of the Hot Creek band, a Modoc band independent of Kintpuash's Lost River polity and lived west of it.[128] Still, Grant's order indicated that any Modoc Native who resisted the United States at any time were to be punished, even the ones who helped the Army find Kintpuash.

In September, military officials finalized the removal of the Modoc band to Indian Territory. E. D. Townsend wrote to Philip Sheridan and General Schofield to inform the military officials of Grant's orders. A few weeks after Grant sent his order, Sheridan amended it to change the destination of the Modoc band to Fort McPherson in Nebraska. On October 2, the day before the executions of Kintpuash and the three other Modoc Natives, Philip Sheridan wrote to William Tecumseh Sherman and recommended that instead of removing the band to Fort D. A. Russell in Wyoming Territory, the Army should instead remove the Modoc to Fort McPherson. According to Sheridan, he believed Fort McPherson would be better for the Native band because of its location: out on the

[128] Wm. W. Belknap to General Townsend, September 13, 1873, in *US House of Representatives, Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 99; James, "Cheewa James Oral History," interview by California Museum, March 25, 2011, video, 3:01-28, https://www.youtube.com/watch?v=24xog279C78; "Proceedings of a Military Commission," July 1873, in US House of Representatives *Official Copies of Correspondence Relative to the War with Modoc Indians*, 174.

Great Plains, or as he called it "an open country," where there would be plenty of game for the Modoc to hunt, as opposed to Fort D. A. Russell that was near a town where there was not a lot of game.[129] Sherman forwarded Sheridan's recommendation to the Secretary of War, William Belknap, to inform him of the idea. Townsend wrote back to Sheridan and told him the Modoc could be removed to Fort McPherson.

As the officials wrote back and forth to each other, the soldiers transported the Modoc prisoners out of the Pacific Northwest. The day after soldiers executed Kintpuash and the three other Modoc Natives, the Army as Riddle put it in his personal recollection of the war "hustled" the remainder of Kintpuash's band "to government wagons and started on the road for the nearest railroad," which was Redding in Northern California. From Redding, the Modoc traveled by train in cattle cars to Fort D. A. Russell in Wyoming Territory. After a few days at Fort Russell, the Army transported the Modoc to Fort McPherson, where they arrived on October 29. They did not remain long in Nebraska, however, because according to Belknap, the War Department did not have enough supplies to support the band at the fort for long, so he ordered the Department of Interior to take charge of the Modoc band and remove them out of Nebraska. During this time, Commissioner Edward Smith then ordered the remainder of Kintpuash's band to be removed to the Quapaw Agency by the Army, which Belknap and Delano approved. By the orders of Smith and Townsend, First Lieutenant Melville C. Wilkinson transported the

[129] P. H. Sheridan to Gen. W. T. Sherman, October 2, 1873, US House of Representatives, *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 100.

one hundred and fifty-three Modoc Natives to the Quapaw agency in the Indian Territory.[130]

After a long train ride, the Modoc band arrived in Indian Territory in early November. After their train left Fort McPherson, the band reached Baxter Springs, Kansas, just north of the Quapaw agency. The Modoc arrived in the Territory in early November 1873. Michael Powers, a white settler whose family lived close to the Native community, commented in an oral history from 1937 that the Modoc arrived "in box-cars," and "only a few at a time were released and placed in wagons and taken to the place selected for them."[131] After the Natives were unloaded off the cars, soldiers took them to the Quapaw agency. Hiram Jones noted in his 1874 report that Wilkinson turned over the Modoc to him on November 22.[132]

As the letters thoroughly detailed, federal and military officials carefully and meticulously planned the forced removal of the remainder of Kintpuash's band to Indian Territory. They discussed where to transport the Modoc Natives, for how long, and who would oversee the removal of the band. What started as a proposal by Alfred Meacham to the band as a way for them to find a permanent home turned into actual policy by the

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[130] Belknap to the Hon. Secretary of the Interior, November 1, 1873, 330; H. C. Hasbrouck to Major Samuel Breck, November 5, 1873, in US House of Representatives, *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 102; Riddle, *Indian History*, 192; Edwd P. Smith, October 31, 1873, in US House of Representatives, *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 103; E. D. Townsend to First Lieut. M. C. Wilkinson, November 3, 1873 in US House of Representatives, *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 104.

[131] Mike Powers, "Interview with Michael Powers, White pioneer," interview by Nannie Lee Burns, May 19, 1937, 8, Doris Duke Collection, University of Oklahoma.

[132] H. W. Jones to Enoch Hoag, September 21, 1874, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1874* (Washington, D. C.: Government Printing Office, 1874), 230.

United States. As a result of this decision, the Modoc band became the first and only California Indians to be forcibly removed to Indian Territory, where they would rebuild their community on the Quapaw agency.[133]

The Quapaw agency was located in the northeastern part of the territory, close to the Missouri and Kansas borders. The agency was close to two towns that Natives frequented for trade and work: Seneca, Missouri, and Baxter Springs, Kansas. The Agency was home to six Native communities: the Quapaw, the Wyandot, the Eastern Shawnee, Peoria, Ottawa, and Seneca.[134] When the Modoc band arrived in the territory, they did not have their own reservation like the six other Native communities on the agency until June 1874. Although Commissioner Smith intended to remove the Modoc to the Quapaw reservation, Wilkinson removed the band to the Eastern Shawnee reservation, where they lived for several months. Wilkinson believed that the Quapaw Indians would be a bad influence on the Modoc people, and that their reservation was too close to Baxter Springs, which he believed would corrupt the Modoc.[135] According to Wilkinson, the Modoc had to be kept away from other Indians out of fear that they would

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[133] Although official records, newspaper articles, and oral histories confirm the forced removal of Kintpuash's band to the Indian Territory, some articles from the late 1800s indicate that some Modoc who fought in the Modoc War somehow managed to remain in California. The articles, however, do not explain how these Modoc escaped or avoided removal. For more information, see "Dying of Starvation," *Chico Weekly Enterprise*, April 9, 1897, 3; "Modoc Indians Starving: The Remnants of Capt. Jack's Band in Sad Straits," *San Diego Union and Daily Bee*, April 7, 1897, 1.

[134] Tom Captain, "Life History Materials and Related Subjects," interview by Peggy Dycus, May 16, 1969, 7, Doris Duke Collection, Western History Collections, University of Oklahoma; James, *Modoc*, 190; Jones to Enoch Hoag, September 21, 1874, 228-30; Rena Spicer, "Interview with Rena Spider," interview by Nannie Lee Burns on May 20, 1937, 4, Indian Pioneer Papers, Western History Collections, University of Oklahoma.

[135] Albert L. Hurtado, "The Modocs and the Jones Family Indian Ring: Quaker Administration of the Quapaw Agency, 1873-1879," in *Oklahoma's Forgotten Indians*, edited by Robert E. Smith, (Oklahoma City: Oklahoma Historical Society, 1981), 90.

not be assimilated. Like Commissioner Smith, Wilkinson neglected to understand that this band had already proved to be adaptable to white settlers since these Modoc Indians had previously lived with settlers in California. Instead, Wilkinson and other American officials saw the band as another Native people that had to be subjugated by the United States.[136]

On June 23, 1874, the Modoc band obtained four thousand acres of land from the Eastern Shawnee for their own reservation by way of Hiram Jones, who purchased the land from the Shawnee.[137] According to Tom Captain, an Eastern Shawnee, in an oral history from 1969, the Modoc lived east of the Shawnee, and noted that his own community "never did get a dime out of it [the selling of reservation land]." As Captain put it, the United States took land from one Native community to give to another one forcibly removed from their ancestral homeland.[138]

While the Modoc band had the reservation to themselves, at one point in 1878, they shared their new home with another Native band from the Pacific Northwest: Chief Joseph's band of Nez Perce Indians who fought the United States in the Nez Perce War in 1877. This band of Native people surrendered to the Army in October 1877 and had been

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[136] Applegate to Hon. J. W. P. Huntington, August 6, 1866, 90; L. Applegate to Stephen B. Thoburn, September 19, 1869, Fisher Papers, Vol. 1, 10-1; Boutelle, "Major Boutelle's Account of His Duel with Scar-Faced Charley in the First Engagement," 270; Compton, *Spirit in the Rock*, 38-40; Hurtado, "The Modocs and the Jones Family Indian Ring," 90; James, *Modoc*, 37-8.

[137] *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1874* (Washington, D. C.: Government Printing Office, 1874), 20; "Articles of agreement made and concluded at Quapaw Agency, I. T., June 23, 1874 between the United States, H. W. Jones, United States Indian Agent, and the Eastern Shawnee Indians," June 23, 1874, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1882* (Washington, D. C.: Government Printing Office, 1882), 271.

[138] Tom Captain, "Eastern Shawnees and Other Tribes of Northeast Oklahoma," interview by J. W. Tyner, September 16, 1969, transcribed by Darlene Fields, Doris Duke Collection, University of Oklahoma; Tom Captain, "Life History Materials and Related Subjects," interview by Peggy Dycus, May 16, 1969.

incarcerated at Fort Leavenworth in Kansas until the federal government removed the band to the Quapaw agency. The band consisted of Nez Perce, Palouse, and Cayuse men, women, and children.[139]

Although the Nez Perce were a different Native people from the Modoc, Joseph's band shared many parallels with Kintpuash's band. For example, Kintpuash's band of Modoc Natives and Joseph's band of Nez Perce Indians fought the United States Army over control of their homelands. Unlike Kintpuash's band who fought in and around the Lava Beds, Joseph's band fought soldiers as they moved north to Canada from their homeland in Wallowa Valley, Oregon, and their trek took them across Montana, Wyoming, and Idaho. But like Kintpuash, Joseph tried to live in peace with settlers and attempted to negotiate peace with the Army. In fact, as his nephew Yellow Wolf stated in his autobiography *Yellow Wolf: His Own Story*, "No chief talked or wanted war."[140] Indeed, Joseph and other Nez Perce leaders tried to hold off violence between white settlers and Indians and maintain their home in Oregon. However, much like Kintpuash's band, hawkish warriors destroyed Joseph's diplomacy with Americans after they attacked a group of white settlers and soldiers who attacked the Natives first.[141] After they arrived in the Territory, the government purchased seven thousand acres of the Confederated

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[139] L. V. McWhorter, *Yellow Wolf: His Own Story* (1940; repr., Caxton, ID: Caxton Press, 2020), 42; J. Diane Pearson, *The Nez Perces in the Indian Territory: Nimiipuu Survival* (Norman: University of Oklahoma Press, 2008), 3-7, 77-101, 115-30; Clifford E. Trafzer and Richard D. Scheuerman, *The Snake River-Palouse and the Invasion of the Inland Northwest* (1986; repr., Pullman: Washington State University Press, 2016), xxii, 141-3, 145.
[140] McWhorter, *Yellow Wolf*, 42.
[141] McWhorter, *Yellow Wolf*, 43-46; Elliot West, *The Last Indian War: The Nez Perce Story* (New York: Oxford University Press, 2009), 114-20, 126.

Peoria and Miami Indians' land to make a Nez Perce reservation, which fell under the Quapaw Agency.[142]

Unlike the Modoc band, who waited decades for the United States to let them go home to the to the Pacific Northwest, after eight years in the Indian Territory, the federal government permitted the Nez Perce and their Palouse allies to return to the Northwest in 1885. During their time in the Territory, Joseph and other Nez Perce Natives lobbied the United States to allow them to go back to the Northwest, especially Wallowa Valley, Oregon. The Nez Perce twice visited Washington, D. C. to promote their cause and lobby politicians to let them return home but for years the federal government refused these requests. After years of lobbying, in 1885 the government allowed the Nez Perce, Palouse, and Cayuse Indians to return to the Northwest. However, they could not go back to Wallowa Valley, but instead to either the Colville Reservation in Washington Territory if they followed the Washat religion, or the Nez Perce Reservation in Idaho Territory if they followed Christianity. Joseph had no choice of where he could go; the government sent him to Colville, where he died in 1904.[143] Similar to the Modoc people in 1873, the federal government split the Nez Perce people across two states.

As soon as the Modoc Indians arrived in Indian Territory, they set out to rebuild their community, and many of them engaged in agriculture. From 1874 up until his termination as Indian agent for the Quapaw agency in 1879, Jones frequently noted the

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[142] H. W. Jones to Commissioner of Indian Affairs, August 30, 1878, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1878* (Washington, D.C.: Government Printing Office, 1878, 67.

[143] McWhorter, *Yellow Wolf*, 289-90; Pearson, *The Nez Perces in the Indian Territory*, 266-98 West, *The Last Indian War*, 304-14.

progress of the Modoc band in terms of them working with agriculture. In his reports, Jones described the kinds of labor Modoc Natives engaged in and provided his own interpretations of Modoc "progress." In his first report dated September 21, 1874, Jones wrote to Enoch Hoag that since their arrival in Indian Territory, the band had the potential to "soon become self-supporting" with the right materials supported for them.[144] In his report for 1875, he mentioned that the Modoc had "engaged in manual labor with more readiness and perseverance than I had any anticipation of."[145] This labor included according to Jones "made and put in fence 17,200 rails, built 12 log-houses, and planted 50 acres of corn and vegetables." He also noted that he bought "eight cows and calves" for them to start raising stock.[146] Jones' report described the Modoc Natives as aspiring farmers who took their labor seriously. In his report for 1876, Jones wrote that the Modoc farmed "forty acres of wheat" in the fall, which he described as being "done reasonably well" and "cared for, and thrashed."[147] Jones further mentioned the band farmed in the spring "about 140 acres of corn, potatoes, and garden vegetables," and that "They are now, and have been for some time, living on the products of their own farm-labor."[148] Jones' last report of the band, dated August 30, 1878, was much shorter compared to his previous reports. He noted that the Modoc were "actively energetic in farming, and are quiet and easily managed." He further described the Modoc as being "temperate and

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[144] Jones to Enoch Hoag, September 21, 1874, 230.
[145] H.W. Jones to Hon. Edw. P. Smith, September 20, 1875, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of Interior* (Washington, D. C.: Washington Printing Office, 1875), 282.
[146] Jones to Smith, September 20, 1875, 282.
[147] H. W. Jones to the Commissioner of Indian Affairs, August 21, 1876, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of Interior for the Year 1876* (Washington, D. C.: Washington Printing Office, 1876), 57.
[148] Jones to Commissioner of Indian Affairs, August 21, 1876, 57.

industrious; have fine crops, and are progressing rapidly in civilized pursuits."[149] His reports illustrated that the Modoc band adapted to their new home and provided for themselves in Indian Territory.

Jones' report from 1877 is worth analyzing because it illustrated how he interpreted Modoc labor, which paralleled that of Commissioner Edward Smith. In his report, Jones noted that Modoc were "actively engaged in farming" and after he purchased stock for them, hoped the band would "get engaged in stock raising as much as possible, as I believe their natural disposition and the nature of their reservation are both well adapted to this mode of life."[150] According to Jones, he believed that being in Indian Territory was good for the Modoc Natives since they worked hard, and he further believed that they could work harder. Although Jones believed that the Modoc were assimilating into farmers, his report illustrated something more complex: the Modoc Natives were adapting to life in the Territory by utilizing whatever means necessary to make the best of their situation. Jones's report also failed to mention an important point about the Modoc band: before the Modoc War and their removal to Indian Territory, some of these Natives worked as ranch hands for white settlers in California.[151] Indeed, for

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[149] Jones to The Commissioner of Indian Affairs, August 30, 1878, 66.
[150] H. W. Jones to the Commissioner of Indian Affairs, August 24, 1877, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of Interior* (Washington, D. C.: Washington Printing Office, 1877) 103.
[151] Boutelle, "Major Boutelle's Account of His Duel with Scar-Faced Charley in the First Engagement," 270; Hayman, "An Interview with Mrs. Cora Hayman," interviewed by Nannie Lee Burns, October 21, 1937, 8, Indian Pioneer Papers, Western History Collections, University of Oklahoma; James, "Cheewa James Oral History," interview by California Museum, March 25, 2011, video, 3:01-28, https://www.youtube.com/watch?v=24xog279C78.

some Modoc, they took the agricultural skills they adopted in California and utilized them in Indian Territory.

Outside of agriculture, Modoc Natives found work in the nearby towns of Seneca, Missouri, and Baxter Springs, Kansas. They sold arts and crafts in the towns, and some Modoc worked for white merchants. Other Modoc Natives drove herds of cattle between their reservation and Baxter Springs, which illustrated that the Natives engaged in the local economy to support their community.[152] While agriculture was not new to the band, the Modoc proved they could make the best of their situation in the Southwest by applying skills they acquired in their homeland before their removal.[153] However, not all would go smoothly for Kintpuash's band, as Hiram Jones and his cronies would deprive them of their promised goods for five years in what became known as the Jones Family Ring.

Hiram Jones served as the Modoc's and the Quapaw Agency's Indian agent, and he and the Quakers oversaw all seven Native communities of the Quapaw Agency. The Quakers managed the Central superintendency, which included the Quapaw Agency, as part of an arrangement to manage Indian affairs that originated with President Ulyesses S. Grant's so-called "Peace Policy." During President Grant's time in office, the United States operated a "Peace Policy" with Native Americans, in which religious organizations oversaw reservations and replaced Indian agents as a means to root out corruption in the

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[152] Hayman, "An Interview With Mrs. Cora Hayman," interview by Nannie Lee Burns, October 21, 1937, 3-4; Hurtado, "The Modocs and the Jones Family Indian Ring," 95.
[153] Boutelle, "Major Boutelle's Account of His Duel with Scar-Faced Charley in the First Engagement," 270; James, "Cheewa James Oral History," interview by California Museum, March 25, 2011, video, 3:01-28, https://www.youtube.com/watch?v=24xog279C78.

Bureau of Indian Affairs. Grant developed this policy with significant input from Ely S. Parker, a Tonawanda Seneca who met Grant while they both served in the Civil War, and he served as the first Native American Commissioner of Indian Affairs from 1869 to 1871.

Many of Parker's ideas regarding Indian affairs laid the groundwork for the Peace Policy, as well as his background as a leader for his Seneca community. Parker favored assimilation of Native peoples, but believed that Natives should assimilate at their own pace as opposed to the hastened assimilation promoted by the federal government, so that they could have time to adapt. He also believed that Native nations should be incorporated into the United States – an idea that became part of the Peace Policy. As part of the policy, Grant appointed a select group of citizens to serve on a commission to assist the administration with Indian affairs.[154] Some of the commissioners' duties included inspecting and advising Indian superintendents and agencies, as well as ensuring that Natives received their annuities promised to them by the federal government. These duties reflected Grant and Parker's goal of eliminating corruption within the Bureau of Indian Affairs, especially since citizens themselves would check for potential corruption in their government.

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[154] C. Joseph Genetin-Pilawa, *Crooked Paths to Allotment: The Fight over Federal Indian Policy after the Civil War* (Chapel Hill: University of North Carolina Press, 2012), 64-5, 72; U.S. Grant, *Report of the Commissioner of Indian Affairs Made to the Secretary of the Interior for the Year 1869* (Washington, D.C.: Government Printing Office, 1870), 44-5; E. S. Parker to Hon. Wm. Welsh, John V. Farwell, George H. Stuart, Robert Campbell, Wm. E. Dodge, E. S. Tobey, Felix R. Brunot, Nation Bishop, Henry S. Lane, May 26, 1869, in *Report of the Commissioner of Indian Affairs Made to the Secretary of the Interior for the Year 1869* (Washington, D.C.: Government Printing Office, 1870), 43-4.

On the surface, Grant's Peace Policy looked as if Grant wanted to end war and genocide against Native communities. After all, this policy emphasized diplomacy over war since it encouraged Native leaders to negotiate with American officials as opposed to fighting them. Parker's previous work as a leader for his Tonawanda Seneca community in upstate New York no doubt influenced this change in federal Indian policy, as well as his time as a peace commissioner during the Civil War. But in reality, Grant's policy was anything but peace because it continued the federal policy of confining Native peoples to reservations and taking their lands and resources. However, this policy departed from previous administrations in a significant way: the end of treaty-making with Native Americans and recognizing the sovereignty of Native nations. Under Grant, the United States no longer negotiated or signed treaties with Native nations because according to Ely Parker in his report to the Secretary of the Interior for 1869, "The Indian Tribes of the United States are not sovereign nations, capable of making treaties, as none of them have an organized government of such inherent strength as would secure a faithful obedience of its people in the observance of compacts of this character."[155] According to Parker, Native nations did not have strong or organized enough governments to negotiate with the United States. He also argued that treaty-making was how the United States took land from the Native peoples, which he referred to as "the cruel farce of thus dealing with its helpless and ignorant wards," and believed the government fooled Natives into thinking they were in his words "independent sovereignties."[156] Parker's ideas indicated that the

[155] Genetin-Pilawa, *Crooked Paths to Allotment*, 34-8, 44-50, 59; E. S. Parker to Hon. J. D. Cox, December 23, 1869, *Report of the Commissioner of Indian Affairs Made to the Secretary of the Interior for the Year 1869* (Washington, D.C.: Government Printing Office, 1870), 6.
[156] Parker to Cox, December 23, 1869, 6

United States no longer saw Native nations as fellow sovereign powers, but instead as supposedly helpless people who needed guidance from the federal government. Indeed, the language conveyed a strongly paternalistic tone that Natives could not negotiate for themselves or hold their own against the United States.

This was a significant break because treaty-making had been part of standard federal Indian affairs since before the United States existed. Before the United States, European nations in North America consistently negotiated treaties with various Native nations, a policy that the United States continued. Treaty-making then was more than just federal Indian policy – it was diplomacy between the United States and Native nations. Indeed, treaties recognized, and for some, upheld the sovereignty of these Indigenous nations, though as time went on, they increasingly limited said sovereignty of Native communities.[157] By ending treaty-making altogether, President Grant accomplished a major goal with his "Peace" Policy: no longer recognizing the sovereignty or influence of Native nations, thus subjugating them to near-total American control.

After nearly a century of recognizing Indigenous nationhood, the United States closed in on confining Native peoples to reservations. Congress followed up on Grant's and Parker's ideas when legislators passed the Indian Appropriations Act of 1871, which stated that Native communities would no longer be recognized as sovereign nations and stated that the United States would cease negotiating treaties with them. Even though Grant's policy stated that Natives and officials would still meet to negotiate for peace as

[157] Ralph A. Rossum, *The Supreme Court and Tribal Gaming:* California v. Cabazon Band of Mission Indians (Lawrence: University Press of Kansas), 27-40.

had been the case for decades, Natives would then be removed to reservations after negotiations ended. The policy further stipulated that if Native peoples resisted forced removal to reservations, then Grant would send in the Army to compel them to go – which signaled anything but peace.[158]

The overall goal of the Peace Policy was assimilation, which illustrated that Grant planned to continue the decades-long crusade of the United States pressuring Native peoples to give up their traditional customs and become so-called "civilized" Americans. Under the policy, Indians would be removed to reservations, where religious groups and federal officials would compel Natives to become farmers. On the reservations, the government would provide Natives with agricultural tools in the hopes that they would give up their traditional ways and become farmers.[159] As the government provided agricultural tools and other resources for agriculture, the missionaries or religious groups taught the Natives how to farm or raise livestock.[160] As this policy illustrated, it was the hope of Grant and his administration that Native peoples would assimilate into (white) American society without the threat of or use of violence from the United States.

Although Grant and his administration pressed to eliminate any corruption in the Bureau of Indian Affairs, the case study of the Jones Family Ring illustrated that

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[158] An Act making Appropriations for the current and contingent Expenses of the Indian Department, and for fulfilling Treaty Stipulations with various Indian Tribes, for the Year ending June thirty, eighteen hundred and seventy-two, and for other Purposes, 41st Congress, 3rd sess. *US Statutes at Large* (March 8, 1871): 570-1, 25 U.S. Code § 71; E. Richard Hart, *American Indian History on Trial: Historical Expertise in Tribal Litigation* (Salt Lake City: University of Utah Press, 2018), 30-1; Genetin-Pilawa, *Crooked Paths to Allotment*, 86; Parker to Cox, December 23, 1869, 6.
[159] Parker to Cox, December 23, 1869, 5; Jeffrey Ostler, *Surviving Genocide: Native Nations and the United States from the American Revolution to Bleeding Kansas (New Haven: Yale University Press, 2019)*, 4, 191.
[160] Parker to Cox, December 23, 1869, 3, 5.

corruption still very much existed in the Bureau, especially among Indian agents like Jones. For the Modoc Natives on the agency, they themselves were directly impacted by this corruption that lasted for five years. During his time as the Indian agent for the Quapaw Agency, Jones employed family members on the agency, some of whom were related to Enoch Hoag, the superintendent of the Central Indian Superintendency. These included Hoag's and Jones' wives, who were first cousins. Jones even installed his son Endsley as the Modoc sub-agent, who worked in that position until 1876. Jones employed his brother-in-law Asa Tuttle and his wife Emaline to manage the Quapaw Quaker Missionary School, where they taught Modoc and other Native children. According to Cheewa James, "eleven of the twelve employees of the agency were related."[161] Indeed, two close families, or essentially one big one, managed Indian affairs on the Quapaw Agency.

Jones, Hoag, and their families worked together in their ring of corruption on the Quapaw Agency to line their pockets and become rich off the Native communities they oversaw. Jones restricted Indian trade to a store owned by Hoag's wife's first cousin, T. E. Newlin. This cut off trade with merchants from the border towns of Seneca and Baxter Springs, whom the Modoc and other Natives frequented for goods or work. These merchants lost business to Newlin since all trade was restricted to just his store, which caused them to complain to Hoag. Meanwhile, Jones and his son Endsley cut deals and brought beef to the agency without weighing it. This led to poor beef rations distributed to Modoc Natives, which were less than usual provided. As for the Tuttles, they collected

[161] James, *Modoc*, 190.

money from the Modoc to educate their children at the Quapaw Mission School, even though the Modoc and other Natives were only supposed to send their children to Indian schools, not pay for them. What made it more infuriating was that the Modoc Natives wanted to send their children to school to be educated and help them get ahead, and the Tuttles took advantage of this to steal money from the Modoc band.[162]

Over the course of five years, the federal government launched three different investigations of Jones and the Indian ring, two of which occurred within two years of each other. Hoag first investigated Jones and his cronies' activities in 1874, where he ordered Washington Hadley to lead the investigations. Hadley learned that most of the accusations of corruption came from merchants from Seneca and Baxter Springs who complained to Hadley that they lost business because of Newlin's store. Hadley tweaked his report to clear Jones and his son of any wrongdoings, in that he played around with the language to exonerate the Indian agent and his son of their charges. Based on Hadley's findings, Hoag cleared Jones and his relatives of any misconduct. In 1875, E.C. Kemble led another investigation of the family ring because while Hadley stated in his first report that Jones was to be exonerated, the consistent complaints of merchants losing their business to Newlin's store prompted the second investigation. Kemble found in his report that Jones issued poor beef and flour rations to the Modoc Natives, in that they weighed less than usually provided. His report further detailed that Hoag told Jones to cut down on Modoc rations since Modoc adults were supplying themselves with labor and because the schools fed the Modoc children. In this case, Hoag – the superintendent in

[162] Hurtado, "The Modocs and the Jones Family Indian Ring," 90, 94-5, 99; James, *Modoc*, 190-1.

charge of the Quapaw Agency and six other Indian agencies – ordered his employee to cut down on supplies promised to Modoc by the federal government to support their community. Not only did Jones neglect to help the Natives, but on even a higher level federal official neglected to care for the Modoc as well, which showed how far the family ring extended. However, just like the first report, the second one did not charge Jones or his cronies of any wrongdoing.[163]

While it could be argued that Jones merely took orders from Hoag, his report for 1876 clearly outlined his beliefs about government annuities for Native nations. Jones wrote in his report that he was "convinced that the practice of paying moneyed annuities to Indians is fraught with evil consequences, tending to encourage idleness and improvidence by causing them to depend too much upon that sources for subsistence without putting forth their energies to improving and cultivating their lands."[164] According to Jones, government annuities for Native peoples did not help them since he believed rations would make Natives lazy and not work because they would depend too much on them. To him, annuities hurt Native peoples as opposed to helping them. As Jones made clear in his report, he believed that Indians should not receive annuities or other kinds of aid from the federal government because he thought Natives like the Modoc should work for subsistence or success. Jones' actions against the Modoc band and his personal beliefs illustrated who he was: a corrupt and dishonest government agent.

[163] Hurtado, "The Modocs and the Jones Family Ring," 92-3, 95.
[164] Jones to the Commissioner of Indian Affairs, August 21, 1876, 58.

The consistent complaints from the merchants of the border communities prompted a third investigation of corruption on the Quapaw agency, and the results were astounding. Commissioner of Indian Affairs E.A. Hayt appointed an Indian office clerk named Arden Smith to investigate Hiram Jones and the agency. Smith traveled to the agency to document his findings, and he included testimonies from merchants, Modoc Natives, nearby white settlers, and participants in the Indian ring. It was during this investigation that he learned that several employees were related to both Hoag and Jones, and that both families essentially controlled the agency. Smith learned from Modoc Natives who testified to him that they paid the Tuttles to educate their children at the Quapaw Mission School, and they requested to have a school built on their reservation so that they could keep their children close and save money. Smith also learned firsthand from Bogus Charlie, the new leader of the Modoc band, that Jones neglected to provide the Modoc with medicine despite many of them dying from disease. Bogus Charlie further added that Jones provided the Modoc with poor beef and flour rations even though the band desperately needed the supplies.[165] Bogus Charlie's testimony confirmed that Jones was hurting the very Natives the government tasked him to help.

Smith's investigation prompted Congress to establish a joint committee to further investigate the allegations of corruption in 1878. A merchant named George Morrow testified to the committee that he signed fraudulent vouchers that Jones asked him to sign to supply the Modoc Natives with corn. Morrow explained that while he never supplied the Indians with any corn, he still signed the vouchers to be paid by Jones since he did

[165] Hurtado, "The Modocs and the Jones Family Indian Ring," 88-9, 98-102.

some work for the agency. Another merchant named H. H. Gregg testified that Jones bought a bad wagon and horse from Endsley for the Modoc Natives. He paid his son less than what the wagon was worth and more than what the horse was worth. Bogus Charlie testified to the commission that he and the Modoc community wanted to live like the white Americans. He added that he hoped a school would be built on their reservation, which echoed Modoc concerns to Smith, who learned from many Modoc Natives that they wanted a school built on their land so that they would not have to send their children to the Quapaw school and pay for their education. The leader's testimony indicated that he and his people were adapting to their new lives in the Southwest, even as they dealt with Jones' corruption.[166]

Finally, Jones and his son Endsley testified to Congress and admitted their wrongdoings during the past five years. Jones admitted he violated department policy by purchasing the wagon and horse from Endsley since his son was employed as a subagent for the Modoc. Jones also admitted he asked Morrow to sign the shady vouchers. During his testimony, Jones dodged questions a bit and seemed uncomfortable with answering questions. Endsley testified as the last witness, where he defended his purchases. He argued that the government received full value for the corn, horse, and wagon his father purchased, and that he did not mean to defraud the federal government through his purchases. Like his father, he appeared to be visibly uncomfortable throughout the hearing. Both men's behaviors during the commission indicated they were very guilty of their charges. Overall, the findings of the committee and Smith's investigation revealed a

[166] Hurtado, "The Modocs and the Jones Family Indian Ring," 102-3.

ring of government corruption and personal greed that directly impacted the Modoc band.[167]

In 1879, Commissioner Hayt fired Jones from his post as Indian agent for the Quapaw Agency. After three different investigations and five years of corruption, the federal government quashed the Jones Family Ring. That year, Judge John McNeil, the Indian Inspector at Baxter Springs, formally removed Jones from his post and replaced him with J. M. Haworth, a Quaker Indian agent and friend of Hayt who reported for duty on April 19 of that year.[168] Before his post at the Quapaw Agency, Haworth previously served as the Indian agent for the Kiowa and Comanche Agency from 1873 to 1878.[169] As for the Modoc, Haworth like Jones consistently noted their labor and accomplishments in his reports to the Commissioner of Indian Affairs. In his report for 1879, he wrote that the Modoc Natives had done well and were "intelligent."[170] Indeed, Haworth for the short time he served as the agent for the agency continued to follow Jones' example in

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[167] Hurtado, "The Modocs and the Jones Family Indian Ring," 103-4.
[168] J. M. Haworth to Commissioner of Indian Affairs, August 27, 1879, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of Interior for the Year 1879* (Washington, D.C.: Government Printing Office, 1879), 75.
[169] J. M. Haworth to Enoch Hoag, August 30, 1873, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1873* (Washington: Government Printing Office, 1873), 218-20 ; J. M. Haworth to Hon. E. P. Smith, September 1, 1874, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1874* (Washington: Government Printing Office, 1874), 219-22; J. M. Haworth to Hon. E. P. Smith, September 20, 1875, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1875* (Washington: Government Printing Office, 1875), 271-5; J. M. Haworth to the Commissioner of Indian Affairs, August 21, 1876, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1876* (Washington: Government Printing Office, 1876), 51-3; J. M. Haworth to Dr. William Nicholson, August 15, 1877, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1877* (Washington: Government Printing Office, 1877), 87-90; P. B. Hunt to the Commissioner of Indian Affairs, August 15, 1878, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1878* (Washington: Government Printing Office, 1878), 58-62
[170] Haworth to the Commissioner of Indian Affairs, August 27, 1879, 75, 77; Wm. Whiteman to the Commissioner of Indian Affairs, August 31, 1879, *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1879* (Washington: Government Printing Office, 1879), 74.

interpreting Modoc success and behavior through his perspective. He served as the Indian agent for the Quapaw Agency until 1880, when D. B. Dyer succeeded him, who then served as the agent until 1884.[171]

Compared to Haworth, Dyer was more hands-on with Modoc affairs like Jones, although he was not corrupt. Dyer noted in his reports to the Commissioner of Indian Affairs that he tried to stop gambling and drinking among the Modoc, which he considered to be vices for the Native people. In his reports for 1881 and 1882, Dyer noted that he successfully convinced Modoc Indians not to drink or gamble. However, in his report for 1883, he acknowledged that Modoc Natives were drinking and gambling again.[172] Overall, the Modoc Natives lived under three different Indian agents in their first ten years in the Indian Territory: Hiram Jones, J. M. Haworth, and D. B. Dyer. Each agent treated the Modoc differently, but one thing that united these agents was that they all reported deaths in the Modoc community.

In his first report to the Commissioner of Indian Affairs as Indian Agent for the Quapaw Agency in 1874, Hiram Jones counted one hundred and fifty-two Modoc Natives. This population, however, would not remain static, as Jones indicated in his successive reports. In his report for 1876, he counted one hundred and seventeen.[173] In

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[171] D. B. Dyer to the Commissioner of Indian Affairs, August 25, 1880, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1880* (Washington: Government Printing Office, 1880), 86-90.
[172] D. B Dyer to the Commissioner of Indian Affairs, August 21, 1881, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1881* (Washington: Government Printing Office, 1881), 97; D. B. Dyer to the Commissioner of Indian Affairs, August 26, 1882, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1882* (Washington: Government Printing Office, 1882), 83; D. B. Dyer to the Commissioner of Indian Affairs, August 16, 1883, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1883* (Washington: Government Printing Office, 1883), 83.
[173] Jones did not list a specific number in his report for 1875 to the Commissioner of Indian Affairs.

his report for 1877, he counted one hundred and twelve Modoc Natives. In his report for 1878, his last one as the agent for the agency, Jones listed one hundred and three Modoc Natives.[174] His reports from 1874 to 1878 illustrated a slow decline in the Modoc band population in the Indian Territory during the band's early years in the region. While the Native community's population continued to decline over the next few decades, in the span of a few years the band's population significantly dropped from a little over one hundred and fifty to a little under one hundred.

Jones and other Indian agents who succeeded him during the Modoc band's early years in Indian Territory continued to count the number of Modoc Natives, and their reports shared a similar theme: a decreasing Modoc population. In Haworth's report for 1879, he noted that the number of Modoc men, women, and children was ninety-nine – a sharp drop from the one hundred and fifty-three Natives who arrived in the Indian Territory in 1873. Dyer's report for 1880 also counted ninety-nine, and his report for 1881 counted ninety-six. His next two reports from 1882 to 1883, however, counted a slight increase in the population, with ninety-seven for 1882 and one hundred and two for 1883.[175] As these reports indicated, the Modoc population in Indian Territory slowly and steadily dropped over their early years in the region.

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[174] Jones to Enoch Hoag, September 21, 1874, 229; Jones to the Commissioner of Indian Affairs, August 21, 1876, 57; Jones to the Commissioner of Indian Affairs, August 24, 1877, 103; Jones to the Commissioner of Indian Affairs; August 30, 1878, 66.

[175] Dyer to the Commissioner of Indian Affairs, August 26, 1882, 83; Dyer to the Commissioner of Indian Affairs, August 16, 1883, 82; Haworth to the Commissioner of Indian Affairs, 1879, 77; Dyer to the Commissioner of Indian Affairs, August 25, 1880, 88; Dyer to the Commissioner of Indian Affairs, August 27, 1881, 97.

Disease was a major killer, especially tuberculosis and malaria, which were both prevalent among the Modoc community. Tuberculosis in particular killed many Modoc Natives, including Kintpuash's young daughter Rosie because of how contagious it was. This disease was caused by a bacteria called *Mycobacterium tuberculosis*, which was discovered by the German microbiologist Heinrich Hermann Robert Koch in 1882, around the time that Modoc Natives were dying of the disease. An infected person developed a fever and lost appetite. They could not eat because they threw up their food and lost weight. They coughed up blood mixed with phlegm that produced sputum, which infected people also sneezed. Sputum landed on the floor and mixed with dust that spread across a room. Tuberculosis was incredibly contagious because an infected person could spread it to other people through contaminated clothing, bedding, and dishes. Patients also became infected when they breathed in the dust mixed with the infected sputum particles, which settled in their lungs and infected the person. This disease also attacked the stomach, heart, brain, and intestines of the person. Since Modoc Natives lived close together on their reservation, many of them became infected with tuberculosis and died from it.[176]

In his report for 1875, Enoch Hoag noted that the Modoc community experienced "a large amount of sickness at this time and several deaths recently occurring among them."[177] Jones confirmed this in his own letter in the same report for 1875: "For the last

[176] Clifford E. Trafzer, *Fighting Invisible Enemies: Health and Medical Transitions among Southern California Indians* (Norman: University of Oklahoma Press, 2019), 88, 198, 209, 211.
[177] Compton, *Spirit in the Rock*, 17, 244; Enoch Hoag to Hon. Edward P. Smith, October 19, 1875, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1875* (Washington: Government Printing Office, 1875), 262.

two months there has been a great sickness among them, and in several instances it has proven fatal."[178] One thing to note about Jones' report was that he wrote to the Commissioner while he refused to grant medicine to the Natives who desperately needed it. Indeed, Jones wrote about Modoc deaths while he himself was responsible for the deaths by refusing to help them.

Cora Hayman, a member of the band, mentioned in her oral history from 1937 that both her parents died "soon after their arrival" in Indian Territory when she was only three. She was then raised by "friends of the tribe" until she grew "old enough to be placed in the Quapaw Mission Boarding School."[179] Cora's story illustrated how non-Modoc Natives looked after the Modoc people during their early years in the Territory. Riddle mentioned in his text that "The older Indians nearly all died off in just a few years."[180]

Disease was not the only thing that killed Modoc Natives. Two oral histories of individuals who lived close to the Modoc – Dave Geboe, an Ottawa and Miami Native who grew up with the Modoc and Michael Powers, a white settler – described the impact of the Indian Territory's climate on the Modoc band. According to Geboe, the Modoc "came from a different climate and died like sheep. It did not agree with them here and they were not satisfied." Powers backed up this claim by Geboe in his own interview: "The abrupt change in climate did not agree with these Modocs, and a great many of

[178] Jones to Hon. Edw. P. Smith, September 20, 1875, 282.
[179] Hayman, October 21, 1937, 2.
[180] Riddle, *Indian History*, 193.

them died during the first summer."[181] This echoed an earlier statement Riddle made in his account of the Modoc War: "the change in climate did not agree with them."[182] Even earlier than these two, Hiram Jones in his report for 1876 pointed out that "The great change in climate attending their removal from their old homes" had "caused a great deal of sickness and death among them."[183] As these accounts and oral histories clearly illustrate, several Modoc Natives died since they were not accustomed to the hot, humid climate of Indian Territory.

In addition to the climate, in an instance of settler violence, a merchant named John Albert killed a young Modoc boy in Seneca, Missouri. According to an oral history of Larry Kropp, an Eastern Shawnee, the violence started over the potential sale of boots to the Modoc boy. According to Kropp, the boy had "bought a pair of boots on credit and with promise to pay when he got his check from the Quapaw Agency." But sometime after the Modoc boy bought the boots, the store owner spotted the boy in the street and shot him to death.[184] Haworth noted in his report for 1879, the Modoc were "excited, and unsettled" by the murder, though they hoped the local law enforcement would solve the situation. Kropp noted in his oral history that it "took the Indian agent [Haworth] all he could just to settle down" the Modoc.[185] Knopp's story illustrated that even in Indian

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[181] Dave Geboe, "Interview with Dave Geboe - 1/8 Ottawa, 1/4 Miami," interview by Nannie Lee Burns, May 4, 1937, 5-6, 10, Indian Pioneer Collection, Western History Collection, University of Oklahoma; Mike Powers, "Interview with Michael Powers, White pioneer," interview by Nannie Lee Burns, May 19, 1937, 8.
[182] Riddle, *Indian History*, 193.
[183] Jones to the Commissioner of Indian Affairs, August 21, 1876, 57-8.
[184] Larry Kropp, "An Interview with Larry Kropp," interview by Stephen Warren, in *The Eastern Shawnee Tribe of Oklahoma: Resilience Through Adversity* edited by Stephen Warren (Norman: University of Oklahoma Press, 2017), 287-8.
[185] Haworth, *Annual Report*, 77; Kropp, "An Interview with Larry Kropp," 288.

Territory, Modoc Natives experienced anti-Indian violence from settlers, though not as widespread as in California.

The Modoc band experienced challenges in their early years in Indian Territory. They lost annuities because Hiram Jones and his cronies deprived the band of them. This corruption lasted for five years, and it took three different investigations to finally fire Jones. As the community adjusted to their new home, they lost many members to tuberculosis and malaria. Yet even when members of the band died and federal agents stole their rations, Modoc Natives held on to their community. They adopted or continued agricultural skills, and frequented Seneca and Baxter Springs like they had frequented Yreka. Indeed, the Modoc band persisted because of their accommodations, which they continued to make in the years moving forward.

Chapter 5: New Beginnings: Modoc Resilience into the Twentieth Century

As the nineteenth century transitioned into the twentieth century, the Modoc band stuck together as a community. Modoc Natives continued their agricultural endeavors and found work in other avenues. For a time, Modoc children attended a day school on their reservation and were close to their parents. The band continued cultural traditions like gambling, and made accommodations to some such as their religion, where the Christian pastor assumed the role of the shaman – the traditional religious leader of the Modoc.[186] After the federal government instituted allotments, Modoc Natives took advantage of them as a means to hold on to their lands. As for their political traditions, the Natives recognized a laGi when the United States did not and maintained a tribal government that paralleled the traditional Modoc one. While the Modoc population decreased in the decades after their arrival, the people never became extinct as the Quapaw Agency's physician predicted.[187] Ultimately, by continuing traditions and making accommodations to them and their livelihoods, the Modoc band adapted to Indian Territory.

Modoc Natives continued to work hard in Indian Territory, which Indian agents consistently reported. J. V. Summers, who served as the Indian agent after D.B. Dyer,

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[186] Dyer to the Commissioner of Indian Affairs, August 21, 1881, 97; Dyer to the Commissioner of Indian Affairs, August 16, 1883, 79; James, *Modoc*, 203, 206, 212, 217; Ray, *Primitive Pragmatists*, 3-8, 42-3, 45.
[187] O.C. Applegate to Commissioner of Indian Affairs, September 10, 1902, in *Annual Reports of the Department of the Interior for the Fiscal Year Ended June 30, 1902 – Indian Affairs. Part I. Report of the Commissioner, and Appendixes* (Washington: Government Printing Office, 1903), 309; Horace B. Durant to Commissioner of Indian Affairs, August 12, 1902, in *Annual Reports of the Department of the Interior for the Fiscal Year Ended June 30, 1902 – Indian Affairs. Part I. Report of the Commissioner, and Appendixes* (Washington: Government Printing Office, 1903), 189; Hayman, "An Interview With Mrs. Cora Hayman," interview by Nannie Lee Burns, October 21, 1937, 285-6; James, *Modoc*, 268-9; John S. Lindley to Maj. T. J. Moore, "Report of Physician, Quapaw Agency," July 1, 1890, in *Fifty-Sixth Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior 1890* (Washington: Government Printing Office, 1890), 89; Ray, *Primitive Pragmatists*, 3-9; "Modoc Indians to Be Sent Home," *Sacramento Daily Union*, February 4, 1909, 11; Riddle, *Indian History*, 199-200.

called the Modoc "industrious" in his report for 1886, "very energetic" in his report for 1887, and in his report for 1888, "good workers."[188] His descriptions of Modoc Natives paralleled those of Hiram Jones, who described the Modoc positively. T. J. Moore, who succeeded Summers, called the Modoc "slow," but also "steady and industrious." Moore also noted that he employed them "when an opportunity presents itself, such as chopping wood, hauling, etc."[189] Compared to Summers and Hiram Jones, Moore was more paternalistic, though like Summers he praised them for their hard work ethic. One thing to note was that he mentioned employing the Modoc for different work projects, which illustrated that the Native people looked beyond agriculture to support their community. In his report for 1881, D. B. Dyer noted that the Modoc built a new blacksmith shop on their reservation and assisted Dyer in repairing the agency's roads. Dyer further noted that the Modoc "added a shop and storeroom" to the agent's residence.[190]

Modoc Natives continued their agricultural endeavors. They planted vegetables and grains, and according to an report by J. V. Summers in 1886, planted fruit trees and grapevines.[191] This report indicated that the band incorporated more crops into their community, as reports noted Modoc crops usually included vegetables like corn and

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[188] J. V. Summers to the Commissioner of Indian Affairs, August 30, 1886, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior For the Year 1886* (Washington: Government Printing Office, 1886), 140; J. V. Summers to the Commissioner of Indian Affairs, August 23, 1887, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior The Year 1887* (Washington: Government Printing Office, 1887), 91; J. V. Summers to the Commissioner of Indian Affairs, August 20, 1888, in *Fifty-Seventh Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior 1888* (Washington: Government Printing Office, 1888), 108.
[189] T. J. Moore to the Commissioner of Indian Affairs, August 30, 1890, in *Fifty Ninth Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior 1890* (Washington: Government Printing Office, 1890), 85; *Sixtieth Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior 1891* (Washington, D. C.: Government Printing Office, 1891), 84.
[190] Dyer to the Commissioner of Indian Affairs, August 21, 1881, 97.
[191] Summers to the Commissioner of Indian Affairs, August 30, 1886, 140.

potatoes, or grains like wheat.[192] Modoc and other Natives on the agency also continued to raise livestock during the 1880s.[193] According to Dyer in his report for 1883, the Modoc were "very skillful in riding and training horses, and experts in throwing the lasso."[194] One thing to note was that before settlers arrived in their homelands, horses were a valuable resource for the Modoc, that they acquired through exchanging captives with Natives in Oregon.[195] After settlers arrived in California and Oregon, Modoc Natives either became ranch hands or raided towns and settlers for horses. In the case of Kintpuash's band, some of his people became ranch hands before and after they left the Klamath Reservation. Indeed, Modoc Natives continued their ranching skills they adopted in their homelands and continued valuing horses.[196]

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[192] D. B. Dyer to the Commissioner of Indian Affairs, August 25, 1880, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1880* (Washington: Government Printing Office, 1880), 88; Jones to Hon. Edw. P. Smith, September 20, 1875, 282; Jones to the Commissioner of Indian Affairs, August 21, 1876, 57; Jones to the Commissioner of Indian Affairs, August 24, 1877, 103.

[193] W. H. Robb to the Commissioner of Indian Affairs, August 31, 1884, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1884* (Washington: Government Printing Office, 1884), 91.

[194] D. B. Dyer to the Commission of Indian Affairs, August 16, 1883, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1883* (Washington: Government Printing Office, 1883), 83.

[195] Cothran, "Lúgsh and Laláki," 97-100, 105-7; Maloney and Work, "Fur Brigade to the Bonaventura," 210-11, https://www.jstor.org/stable/25155793; Powers, *Tribes of California*, 254; 5.

[196] Boutelle, "Major Boutelle's Account of His Duel with Scar-Faced Charley in the First Engagement," 270; "Indians in the North – Further Hostilities," *San Joaquin Republican*, October 10, 1856, 2; James, "Cheewa James Oral History," interview by California Museum, March 25, 2011, video, 3:01-28, https://www.youtube.com/watch?v=24xog279C78; Geo. F. Price to Capt. R. W. Kirkham, June 13, 1862, in *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* vol. 50, pt. 1, (1897; repr., Harrisburg: Historical Times, Inc., 1985), 1137-8; John B. Rohrer, Wm. Ritchie, Joseph Basey, [and 24 others] to Brig. Gen. E. V. Sumner, U.S. Army, June 10, 1861, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* vol. 50, pt. 1, (1897; repr., Harrisburg: Historical Times, Inc., 1985), 507-8; John S. Ward, H. S. Bonette, M.D., and John H. Neale to Capt. George F. Price, in *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* vol. 50, pt. 1, (1897; repr., Harrisburg: Historical Times, Inc., 1985), 1139.

Eventually, the demographics of agricultural labor, and overall demographics, of the Quapaw Agency changed during the 1890s because of the influx of white settlers into Indian Territory. This started during the 1870s when editorialists promoted and advertised lands not promised to Native nations after the Civil War called the Unappropriated Lands as prime real estate for settlers. One person in particular, Charles C. Carpenter, led this movement and encouraged Americans to move to Indian Territory. Despite the many federal proclamations made against these settlers moving into Native lands, as well as federal action against Americans who squatted on Native nations like the Cherokee Nation, American settlers – both white and Black – moved to Indian Territory and made it their home.[197]

Eventually, during the 1880s, the federal government in Washington, D. C. outlined opening up the Territory to Americans. In 1888, Congressman William Springer of Indiana introduced a bill called the Oklahoma Bill that divided Indian Territory into two territories, but it was tabled. However, Springer did not give up. According to historian Donald L. Fixico in his text *The State of Sequoyah*, when Congress met again in December of that year, Springer proposed a rider called section 13 to the Indian appropriations bill, which designated the Unappropriated Lands as public domain and "open for settlement." The Senate voted to pass the bill, which President Grover Cleveland signed into law on March 2, 1889. Two days later, newly-elected President Benjamin Harrison announced that the Unappropriated Lands would be open to settlers

[197] Donald L. Fixico, *The State of Sequoyah: Indigenous Sovereignty and the Quest for an American State* (Norman: University of Oklahoma Press, 2024), 48-64

on April 22, 1889. This kicked off several land rushes American settlers, both white and Black, made during the late nineteenth century. These rushes, and legislation passed by the federal government in Washington D. C., reshaped Indian Territory since thousands of non-Natives settled into the region and made it their home near the Native nations of the Territory[198]

The Quapaw Agency was among the places American settlers moved to, and Indian agents for the agency discussed Euro-American settlers who moved to the agency in their reports to the Commissioner of Indian Affairs. According to a report from 1892, white farmers cultivated most of the agriculture on the agency, where whites numbered one thousand, five hundred compared to one thousand, three hundred and twenty-five Natives. Over time, the white population of the agency dramatically increased compared to the various populations of the different Native nations of the agency.[199] According to George S. Doane – who succeeded Moore as Indian agent for agency – in his report for 1894, Natives on the Quapaw agency "invited" whites to "come among them and cultivate their lands and teach them the fundamental principles of farming." This statement paralleled a previous report from 1892 by T. J. Moore, who stated in his own report that "As far back as 1870 Natives of the agency inaugurated a system of renting or making labor contracts with white farmers," which illustrated that Natives on the agency leased lands to white laborers. While Doane most likely exaggerated the findings in his

[198] Fixico, *The State of Sequoyah*, 58-64.
[199] T. J. Moore to the Commissioner of Indian Affairs, August 30, 1892, in *Sixty-First Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior 1892* (Washington: Government Printing Office, 1892), 244; Geo. S. Doane to the Commissioner of Indian Affairs, August 27, 1894, in *Annual Report to the Commissioner of Indian Affairs 1894* (Washington: Government Printing Office, 1895), 136.

report, such that every Native nation on the agency asked settlers to move into their homes, it indicated that white Americans moved to Indian Territory, especially this agency, before and after the Oklahoma Land Rush of 1889. The second reason why whites moved to the agency was due to rules of allotment set in place by the Dawes Act and other laws concerning Natives leasing lands to non-Natives. Since the act outlined the division and leasing of excess Native lands to either Natives or non-Natives, especially the latter, many whites settled onto allotted reservations in Indian Territory.[200]

The Quapaw Agency's white population exploded during the 1890s. In 1892, the white population numbered one thousand, five hundred. By 1895, five thousand whites lived on the agency. The white population of the agency increased to the extent that Moore noted in his report for 1892 that "this agency presents very much the appearance of a white man's country."[201] Moore's report illustrated how much the demographics of the Quapaw Agency had changed in the Modoc band's time in Indian Territory – to the point that it looked less like a Native agency and more like Oklahoma Territory in the west, which had become increasingly white because of the Land Rush.[202] Indeed, the demographics of the agency flipped over time, in that at first the agency was mostly Native, and now it was mostly white. One report from 1898 by Edward Goldberg, who succeeded Doane, stated the reason why so many more whites farmed than Indians was

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[200] Geo. S. Doane to the Commissioner of Indian Affairs, August 27, 1894, in *Annual Report to the Commissioner of Indian Affairs 1894* (Washington: Government Printing Office, 1895), 136; Stan Hoig, *The Oklahoma Land Rush of 1889* (Oklahoma City: Oklahoma Historical Society, 1989), ix-xi, 3-16; Dunbar-Ortiz, *An Indigenous Peoples' History of the United States*, 158.
[201] Geo. S. Doane to the Commissioner of Indian Affairs, August 24, 1895, in *Annual Report of the Commissioner of Indian Affairs 1895* (Washington, Government Printing Office, 1896), 150; Moore to the Commissioner of Indian Affairs, August 30, 1892, 244.
[202] Hoig, *The Oklahoma Land Rush of 1889*, x-xi.

due to "existing laws relating to the leasing of Indian lands."[203] The leasing of Native lands had to do with laws like the Dawes Act, which outlined allotment and leasing or selling Native lands to non-Natives. By 1900, most of the farmland was leased and worked by whites.[204]

This is not to say that Modoc and other Natives on the agency quit agriculture. In fact, reports consistently noted that agriculture remained a main source of Native labor. In Doane's report for 1894, he noted that Natives had what he referred to as "an aptitude for agricultural pursuits, and each year show an increased interest in farming" and further noted that "The Indians take to farming rather than to stock-raising, but there are a goodly number that have considerably number of cattle and hogs."[205] Doane explained that Indians still farmed on their reservations, even when more and more whites settled onto their reservations. A year later, he wrote that Natives on the agency "make their living in agricultural pursuits, except ten old Modocs, who draw rations." Doane followed up on this in his report for 1896: "The Indians, becoming more industrious, take more kindly to their farm work" and that "They haul their products to the adjacent towns – beans, pease, tomatoes, onions, corn, hay, etc., about the first in the market."[206] Doane's reports illustrated that Natives on the Quapaw Agency continued their agricultural labor and

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[203] Edward Goldberg to the Commissioner of Indian Affairs, August 10, 1898, in *Annual Reports of the Department of the Interior for the Fiscal Year Ended June 30, 1898 – Report of the Commissioner of Indian Affairs* (Washington: Government Printing Office, 1898), 152.
[204] Edward Goldberg to the Commissioner of Indian Affairs, August 13, 1900, in *Annual Reports of the Department of the Interior for the Fiscal Year Ended June 30, 1900 – Indian Affairs. Report of the Commissioner and Appendixes* (Washington: Government Printing Office, 1900), 224; E. Richard Hart, *American Indian History on Trial: Historical Expertise in Tribal Litigation* (Salt Lake City: University of Utah Press, 2017), 35, 39-49.
[205] Doane to the Commissioner of Indian Affairs, August 27, 1894, 134.
[206] Geo. S. Doane to the Commissioner of Indian Affairs, August 26, 1896, in *Annual Report of the Commissioner of Indian Affairs 1896* (Washington: Government Printing Office, 1896), 144.

earned money by selling their products in nearby towns, thus demonstrating their work as entrepreneurs. As for the Modoc Natives, Goldberg noted in his report for 1899 that "Nearly every man among them cultivates part of his allotment, and I do not know of one able-bodied man or woman of this tribe who is not willing to work if he or she receives compensation for his or her efforts."[207] Indeed, Modoc Indians continued to work in agriculture. What did change for the Modoc band, however, aside from the significant increase of whites on the Quapaw Agency, was that these Natives found other means of labor and socioeconomic opportunities to support themselves and their community.

Outside of agriculture, Modoc Natives participated in the economy of the Southwest. According to Summers in his report for 1886, some Modoc Natives sold timber from their reservation to traders in Seneca. Summers noted in his words that Modoc Natives would "work at anything that brings them money," which indicated that Modoc Indians became independent entrepreneurs.[208] As Doane made clear in his report for 1896, Natives on the Quapaw Agency, which included the Modoc, sold their agricultural products in these towns as well. Modoc Natives' frequent trips to Seneca and other border towns like Baxter Springs in Kansas paralleled Modoc trips to Yreka and other nearby towns in Northern California and Southern Oregon before their removal to the Southwest, where some Modoc Natives traded for supplies or worked for settlers.[209]

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[207] Edward Goldberg to the Commissioner of Indian Affairs, August 26, 1899, in *Annual Reports of the Department of the Interior for the Fiscal Year Ended June 30, 1899 – Indian Affairs. Part I* (Washington: Government Printing Office, 1899), 189.
[208] Summers to the Commissioner of Indian Affairs, August 30, 1886, 140.
[209] J. W. Perit Huntington to Hon. William P. Dole, September 28, 1863, in *Report of the Commissioner of Indian Affairs for the year 1863* (Washington, D. C.: Government Printing Office, 1863), 55; Riddle, *Indian History*, 31-2; A. M. Roseborough, April 6, 1868, Fisher Papers Vol. 1, 6.

Just as Modoc Indians frequented towns in the Pacific Northwest, so too did they frequent towns in the Southwest.

The Modoc also hauled supplies in for the agency, a job overseen by the federal government. According to the report for 1886 by Summers, starting on November 1, 1885, Modoc Natives began to haul supplies for the Quapaw Agency from Seneca, Missouri, and Summers noted the Natives received "10 cents per hundred pounds."[210] In fact, they became teamsters for the agency, as a report for 1895 stated that Modoc Natives hauled supplies for the agency.[211] Doane's report for 1896 noted that Modoc Natives continued to haul freight for the agency, whom he noted "are always ready and willing to earn an honest dollar, let it be silver or gold."[212] One thing to note about this job was not only that Modoc Natives received paid compensation – thus illustrating their continued work as wage laborers like their previous lives in California – but that the federal government paid for their labor. In a sense, by working for the federal government, the band slowly rebuilt their diplomacy with the United States that Kintpuash maintained for over a decade during the 1860s and 70s, and eventually destroyed at the Peace Tent Massacre of April 1873. Overall, Modoc Natives demonstrated their socioeconomic mobility as entrepreneurs and laborers, and looked to other endeavors like education to support their community.

On the Quapaw agency, the Modoc band took advantage of educational opportunities, especially for their children. The band saw education as something that

[210] Summers to the Commissioner of Indian Affairs, August 30, 1886, 141.
[211] Doane to Commissioner of Indian Affairs, August 24, 1895, 148-9.
[212] Doane to the Commissioner of Indian Affairs, August 26, 1896, 145.

adults hoped their children would receive, as Bogus Charly mentioned in his testimony to Congress during its investigation of the Jones Family Ring in 1879. During this period of corruption, Modoc adults sent their children to the Quapaw Mission boarding school headed by the Tuttles.[213] In his reports from 1875 and 1876, Jones explained how the mission school functioned, and what Native students learned. Jones' reports about the school indicated that like other Native boarding schools, Natives were educated in the classroom and in the fields – both an academic and labor education. Jones explained at this school the Modoc and other Native children learned English and what he referred to as "the habits and customs of civilized life. Especial care is taken to instill into their minds religious and moral sentiments as a proper basis for Christianization and civilization."[214] He expanded more on classroom studies in his report for 1876, where he explained that at the school, "The branches taught are orthography, reading, writing, arithmetic, (written and mental), descriptive and physical geography, United States and Bible history, grammar, physiology, botany, and natural philosophy."[215] As Jones outlined, Native students received a (settler) American education that emphasized basic writing and reading skills, as well as history and science, and also received a Christian education by reading the Bible and attending a Sabbath school. The religious education reflected President Grant's Peace Policy in action, in that religious organizations like the

[213] Patricia Scruggs Trolinger, "History of the Modoc Tribe of Oklahoma," 5.
[214] Ned Blackhawk, *The Rediscovery of America: Native Peoples and the Unmaking of U. S. History* (New Haven: Yale University Press, 2023), 336-7; H.W. Jones to Hon. Edw. P. Smith, September 20, 1875, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of Interior* (Washington, D. C.: Washington Printing Office, 1875), 283.
[215] H. W. Jones to the Commissioner of Indian Affairs, August 21, 1876, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1876* (Washington, D.C.: Government Printing Office, 1876), 58.

Quakers oversaw education on reservations. The goal was clear: assimilate Modoc and other Native children into Christian American citizens.

In addition to their classroom studies, Modoc and other Native students learned manual labor. According to Jones, the mission school followed a gendered curriculum in terms of manual labor, where the boys worked in agriculture while the girls learned domestic work.[216] Just as the goal of the settler education was to assimilate the Modoc children into model American citizens, the industrial education aspect of the mission school hoped to turn Modoc children into farmers – specifically the yeoman American farmer – or domestic workers. In essence, the mission school hoped to restructure and even destroy traditional Modoc social norms. Federal officials like Jones hoped that the Modoc would shed their Indigenous identities and become what American settlers perceived to be "model" American citizens: those who spoke English and practiced Christianity in a gendered society where men tilled their land and women cared for their children and husbands.

Federal reports from the 1870s, especially those by Hiram Jones, noted that the Modoc especially took advantage of the schools as a means for their children to receive an education. Jones noted the consistent attendance of Modoc children at the mission school. He also pointed out that the "application and regular attendance of Modoc children at the mission school was "exceptionably good." In his report for 1877, he noted that "All their children of suitable age (32 in number) have been in school almost

[216] Jones to Hon. Edw. P. Smith, September 20, 1875, 283.

continuously during the year."[217] In his report for 1878, Hiram Jones noted that "All children of their school age, 27 in number, have been in school during the year.[218] Jones' reports indicated that Modoc children were consistently at the boarding school. In his testimony to Congress during its investigation of the Jones Family Ring, Bogus Charley, whom the government appointed as the Modoc leader after it removed Scarfaced Charley, mentioned that he wanted a school for the Modoc children on their reservation.[219] Requesting a school on the Modoc reservation indicated that parents took education for their children seriously, and that the community wanted to remain together. Indeed, Bogus Charley's comments provided more input from the Modoc community firsthand compared to Jones' reports from 1876 and 1878, respectively. In his report for 1876, Jones wrote that "They [Modoc parents] are earnest and diligent in sending their children to school, and are much interested in their progress."[220] In his report for 1878, he wrote that Modoc and other Native parents were, for the most part, "well pleased with the manner in which the schools have been conducted, and have encouraged the teachers and care-takers to the extent of their ability."[221] Although there was clearly no doubt that Modoc parents wanted their children to receive an education, as Bogus Charley made clear in his testimony, Jones' reports missed an important point that the Modoc leader

[217] H. W. Jones to the Commissioner of Indian Affairs, August 24, 1877, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of Interior* (Washington, D. C.: Washington Printing Office, 1877), 103.
[218] H. W. Jones to The Commissioner of Indian Affairs, August 30, 1878, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1878* (Washington, D. C.: Government Printing Office, 1878), 66.
[219] Hurtado, "The Modocs and the Jones Family Indian Ring," 102.
[220] Jones to the Commissioner of Indian Affairs, August 21, 1876, 57.
[221] Jones to the Commissioner of Indian Affairs, August 30, 1878, 67.

made to Congress: the community wanted to remain together. Indeed, by taking Modoc children away from their loved ones, the school separated children from their families. So while Jones correctly noted that Native parents, including the Modoc, wanted their children to receive an education, he never understood the importance of the Native community sticking together.

Eventually in 1879, the Modoc band received their own day school on their reservation from the federal government, which they molded into their Indigenous space on the agency. After the federal government fired Jones and concluded the investigation of the family ring, it established the Modoc Day school on the Modoc reservation.[222] Modoc parents sent their children to this school, and reports from the 1880s consistently discussed the attendance of Modoc children at the school. According to Dyer's report for 1880, Modoc children "of school age, twenty-three in all, attend and are very bright, learning rapidly."[223] This report, the first to document the activities of the school, indicated that the band made good use of the school. J. V. Summers noted the high attendance of Modoc children in his report for 1887. According to Summers the day school was "well attended during the year." He also noted that "Two grown-up Modocs, a man and woman, have been attending during the winter, learning to read. A great interest is shown in the school by the whole tribe." He followed this up in his report for 1889, in which he noted the school recorded "a very good attendance" of Modoc students, and

[222] D. B. Dyer to the Commissioner of Indian Affairs, August 27, 1881, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1881* (Washington, D.C.: Government Printing Office, 1881), 98.
[223] D. B. Dyer to the Commissioner of Indian Affairs, August 25, 1880, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1880* (Washington: Government Printing Office, 1880), 88.

was open year-round.[224] Native women from the Quapaw agency worked as teachers at this school, which illustrated Native women worked as educators while Native students learned from their peers. In the report for 1890, T. J. Moore noted that every Modoc child over the age of eight could read and write, and in his report for 1891, most of the Modoc children attended the day school.[225] These reports illustrated that Modoc Natives took education seriously.

Summer's report for 1888 illustrated how the day school kept the band together and maintained educational traditions. According to the report, Modoc children would show up in the winter, but less so during the summer and spring because they would help their parents with farming.[226] Summers also stated that "young Indian women who belong at this [Quapaw] agency" taught at the Modoc and Miami day schools. Although the report never specifically stated it, this report in particular highlighted the significance of the day school on the Modoc reservation: families remained together because children stayed with them as opposed to being sent off to boarding schools away from their home. Children attended the school during the day, learned from Native teachers, and went home to be with their parents and loved ones, whom they could learn from as well. This point especially, that Native women from the agency taught at the school, is worth

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[224] J. V. Summers to the Commissioner of Indian Affairs, August 23, 1887, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1887* (Washington: Government Printing Office, 1887), 92; J. V. Summers to the Commissioner of Indian Affairs, August 20, 1889, in *Fifty-Eighth Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior 1889* (Washington: Government Printing Office, 1889), 198.
[225] T. J. Moore to the Commissioner of Indian Affairs, August 30, 1890, in *Fifty Ninth Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior 1890* (Washington: Government Printing Office, 1890), 85; *Sixtieth Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior 1891* (Washington: Government Printing Office, 1891), 235.
[226] Summers to the Commissioner of Indian Affairs, August 20, 1888, 110.

highlighting because it illustrated how Native women helped their fellow communities. Native teachers at the day school also paralleled traditional Modoc education. Long before settlers arrived in the West, Modoc children learned about their culture and history from their peers. Children learned from watching adults work, like making arrows or baskets, as well as from listening to oral traditions passed on to them by adults. Overall, education was something that the Modoc people took seriously before their removals to Oregon and Indian Territory. Although removed far from their California home, the band maintained educational traditions through their day school, which also kept them together.[227]

After over a decade of operation, the federal government closed the school in 1893. The last report of the day school was for 1892, in which agent T. J. Moore noted that the Modoc Natives were "well pleased with their school."[228] In his report for 1893, he noted that "Contrary to my recommendations the Department closed the three day schools of this agency; hence the Seneca, Shawnee, and Wyandotte boarding school and the Quapaw boarding school were open during the fiscal year 1893.[229] As Moore explained, the federal government closed the Modoc day school as well as other day schools on the Quapaw Agency except for the two Indian boarding schools. The day schools, which were located on their respective Native reservations, were how Native communities like the Modoc stayed together while their children received an education.

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[227] Ray, *Primitive Pragmatists*, 106, 110.
[228] Moore to the Commissioner of Indian Affairs, August 30, 1892, 245
[229] T. J. Moore to the Commissioner of Indian Affairs, August 21, 1893, in *Sixty-Second Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior 1893* (Washington, D. C.: Government Printing Office, 1893), 140.

Another thing to note about Moore's report for 1893 was that he recommended *against* closing the Modoc and other day schools on the agency, which indicated he recognized that the band and two other Native communities were happy with them. Like Summers, while he probably did not fully grasp the significance of the day school, Moore recognized that the band was proud of it. In essence, he knew the Modoc were happy, but did not clearly understand why exactly they were happy. As a result of the government's decision, Modoc and other Native children on the Quapaw agency were sent to the Seneca, Shawnee, and Wyandotte boarding school on the Wyandotte reservation.

Outside of the Modoc day school and Seneca boarding school, during the 1880s and 90s Modoc children were sent to Carlisle Industrial School in Pennsylvania and Haskell Institute in Kansas. According to reports from the 1880s, the average attendance of Modoc children at Carlisle school was three, and the highest number of Modoc students enrolled at the school was four according to the report for 1884. The reports for 1883 and 1884 both counted four Modoc students: two boys and two girls.[230] The report for 1885 counted one Modoc boy, while the report for 1886 counted two boys and one girl who just joined the school. The report for 1887 stated that the Modoc boys worked on farms while the girls learned sewing and laundry – which illustrated the school's gendered education. The last mention of a Modoc student at Carlisle was 1890, which counted just one. Modoc children were also sent to Haskell, which compared to Carlisle

[230] R. H. Pratt to the Commissioner of Indian Affairs, August 31, 1883, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1883* (Washington: Government Printing Office, 1883), 161 R. H. Pratt to the Commissioner of Indian Affairs, September 12, 1884, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1884* (Washington: Government Printing Office, 1884), 186.

was much closer to the Modoc reservation distance-wise. The report for 1893 counted five Modoc students – four males and one female student. The report for 1894 counted three Modoc students – two boys and one girl – while the report for 1895 counted just one Modoc boy.[231] These reports showed that Modoc children were educated beyond the Quapaw Agency.

Education was something that Modoc Natives took very seriously, and the Modoc band successfully pushed the federal government to establish a day school on their reservation. For over a decade, the band determined where their children were to be educated, and instead of white missionaries educating the children, Native women educated the Native students. The day school became an Indigenous space for the Modoc that reflected their educational traditions. Although the federal government eventually closed their school, the Modoc day school illustrated the resilience and agency of the band because it kept their children close to them and allowed the band to continue traditional educational practices. Education, especially under the influence of the Modoc,

[231] Charkes Francis Meserve to the Commissioner of Indian Affairs, September 1, 1893, in *Sixty-Second Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior 1893* (Washington: Government Printing Office, 1893), 420; R. H. Pratt to the Commissioner of Indian Affairs, August 18, 1885, 214; R. H. Pratt to the Commissioner of Indian Affairs, August 21, 1886, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior For the Year 1886* (Washington: Government Printing Office, 1886), 18; R. H. Pratt to the Commissioner of Indian Affairs, September 7, 1887, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1887* (Washington: Government Printing Office, 1887), 256-7; R. H. Pratt to the Commissioner of Indian Affairs, November 2, 1890, in *Fifty Ninth Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior 1890* (Washington: Government Printing Office, 1890), 312; J. A. Swett to the Commissioner of Indian Affairs, August 20, 1894, in *Annual Report of the Commissioner of Indian Affairs 1894* (Washington: Government Printing Office, 1894), 381; J. A. Swett to the Commissioner of Indian Affairs, August 7, 1895, *Annual Report of the Commissioner of Indian Affairs 1895* (Washington: Government Printing Office, 1896), 373.

kept the band together, and the Modoc looked to other avenues to maintain their community.

The Modoc band participated into two major cultural avenues during the late nineteenth century: Christianity and allotments. As part of President Grant's Peace Policy, missionaries and federal officials worked together to assimilate Natives into what they perceived to be ideal American citizens. When Grant and Commissioner Parker crafted the Peace Policy, their main objective was for Natives peoples to surrender their ancestral territories and move to reservations, either willfully or by force, where missionaries assisted them into becoming farmers and educated them about Christianity.[232] On the Modoc reservation, Modoc Natives raised crops and livestock to support themselves, and many of them converted to Christianity. During the 1880s, when Congress passed the Dawes Severalty Act to divide up reservations in the hopes of destroying Indigenous communal ties, Modoc Natives pursued allotments, and by the 1890s most of their reservation had become allotted. However, while at first glance it may have looked as if the Modoc assimilated into what federal officials and missionaries perceived to be "ideal" Americans, in reality, they still remained Modoc, as the pastors took the role of the shaman – the religious leader for the community. As for allotments, the Modoc saw it as a way to finally hold on to their land they kept losing to American settlers since their claims could be legally recorded and recognized by the United States. Indeed, the Modoc adopted these cultural norms while they maintained aspects of their traditional norms.

[232] E. S. Parker to Hon. J. D. Cox, December 23, 1869, in *Report of the Commissioner of Indian Affairs Made to the Secretary of the Interior for the Year 1869* (Washington: Government Printing Office, 1870), 5.

In the years following their removal to Indian Territory, many Modoc Natives converted to Christianity. In his reports during the 1870s, Jones noted that these Natives attended religious gatherings at the Quaker mission school where Modoc children were educated. In his words, which he recorded in his report for 1878, "The religious interest among the Indians of this agency is an encouraging feature of the work."[233] Jones was not shy about Natives becoming Christians, as he stated in his same report that "it has been a constant effort and aim to build up and establish them in the religion of our Lord and Saviour Jesus Christ and to make them a moral, Christian people." In other words, it was part of the job of the Quakers and officials like Jones on the agency to convert the Natives like the Modoc to Christianity.

Some Modoc Natives became pastors for their community. In his report for 1879, J. M. Haworth, who took over as the Indian agent for the Quapaw agency after the federal government fired Hiram Jones, noted that the Modoc in addition to their Sabbath school, "formed a church organization, 48 putting their names down as members, and one of their own number installed as pastor or leader – Steamboat Frank – who feels the responsibility of his position and will undoubtedly exert a good influence over his people."[234] Steamboat Frank, a Hot Creek Modoc Native who fought with Kintpuash until he turned to the Army to track down his laGi, became the first Quaker pastor for the Modoc band, and the first Native Quaker minister in the organization's history. Two other Modoc Natives who served as pastors for the community were Jennie Clinton, the

[233] Jones to Hon. Edw. P. Smith, September 20, 1875, 283; Jones to the Commissioner of Indian Affairs, August 21, 1876, 58; Jones to the Commissioner of Indian Affairs, August 24, 1877, 105; Jones to the Commissioner of Indian Affairs, August 30, 1878, 67.
[234] Haworth to Commissioner of Indian Affairs, August 27, 1879, 77.

daughter of Modoc laGi Ben Lawver and who would be the last survivor of the Modoc War to die, and her brother-in-law Daniel Clinton. The band held religious services on Wednesdays and Sundays near the day school at a church built by the Quakers and the government, where the pastor and their family also lived. Eventually, most of the band practiced Christianity, as T.J. Moore made it clear in his report for 1890 that "many of them are active church members."[235]

Although Christianity became the prominent religion for the band, the pastor paralleled the traditional religious leader for the Modoc: the shaman. Long before the removals to Oregon and Indian Territory and arrival of Americans, each Modoc band had a shaman, whom Natives looked to for spiritual guidance. The shaman was said to have great powers, such as changing the weather, and could communicate with spirits. He was also the healer or doctor for the band, and people turned to him to treat their afflictions. The shaman was well respected by the community, and although men normally served as shamans, women could become them after menopause. Indeed, shamanism was not a gendered role in Modoc society.[236] For the band in Indian Territory, the pastor assumed the role of the shaman. When Modoc Natives went to their church, they heard spiritual guidance from their pastor. Not only that, but the fact that Jennie Clinton served as a pastor, just as women served as Modoc shamans, indicated that the band continued aspects of their religion in Indian Territory. Overall, while Modoc Natives adopted Christianity, they did not completely abandon their religious traditions.

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[235] Hayman, 6-7; James, *Modoc*, 203, 206, 212, 217; Moore to the Commissioner of Indian Affairs, August 30, 1890, 85; *Sixtieth Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior 1891* (Washington: Government Printing Office, 1891), 84; Trolinger, "History of the Modoc Tribe," 5.
[236] Ray, *Primitive Pragmatists*, 42-3, 45.

The Modoc band took advantage of allotments when the opportunity arose. In February 1887, Congress passed the General Allotment Act, or the Dawes Severalty Act. According to the act, reservation land was to "be surveyed, or resurveyed if necessary, and to allot the lands in said reservation in severalty to any Indian located thereon."[237] Native families would receive up to one hundred and sixty acres of land allotted to them, while single Natives could receive up to eighty acres. If they wanted, Natives could lease or sell their lands to other people. Although the act stated that Native peoples could hold onto their lands through allotment, it meant to destroy the communal structures of Indigenous communities and assimilate Natives into individual workers. Indeed, the Dawes Act was part of the United States' plan of stealing Native land, undermining Indigenous sovereignty, and assimilating Native peoples.[238]

Although the Dawes Act was intended to destroy Native communities, the band saw it as a way to help their community. According to tribal historian Cheewa James, Modoc Natives took advantage of the act because they saw it as a way for each of their individual members to own land. In essence, allotment was how the Modoc band could finally own their own land, especially since they had been removed twice from their ancestral California territories they had owned since before the Americans arrived.[239]

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[237] J. D. C. Atkins to the Secretary of the Interior, September 21, 1887, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1887* (Washington: Government Printing Office 1887), iv-x; Dawes Severalty Act of 1887, https://www.archives.gov/milestone-documents/dawes-act#:~:text=Also%20known%20as%20the%20General,granted%20allotments%20of%20reservation%20land.

[238] Blackhawk, *The Rediscovery of America*, 334; Arrell Morgan Gibson, *The American Indian: Prehistory to the Present* (Lexington, MA: D. C. Heath and Company, 1980), 486-7, 489, 491, 498-9.

[239] James, *Modoc*, 215.

More importantly, by signing allotment patents, Modoc Natives recorded that they legally owned their land, and that the federal government recognized their claims. Modoc support for patents paralleled to some extent what Kintpuash tried to negotiate with Canby and Meacham in the early 1870s, where he negotiated for a reservation for his people in their Lost River home. If the band had received their reservation had Meacham and Canby not backed out, the United States would have recognized and recorded their claims to their ancestral home. Although now forcibly removed away from their homeland, Kintpuash's people had an opportunity to legally own land.[240]

Reports for the Secretary of the Interior during the late 1880s noted that Modoc Indians in Indian Territory were open to allotment. In his introduction for the Annual Report of Indian Affairs for 1887, Commissioner of Indian Affairs J. D. C. Atkins counted the Modoc Natives in Indian Territory as one of the Native communities open to allotment.[241] According to Quapaw Indian agent J. V. Summers in his report for 1889, "Many" of the Modoc Indians were "anxious for their land in severalty."[242] Members of the band signed up for allotments through the act, and according to T. J Moore in his report for 1891, all the Modoc signed up for allotments.[243] Holding on to land was

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[240] A. B. Meacham to Hon. Commissioner of Indian Affairs, October 25, 1871, in *Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1871* (Washington, D. C.: Government Printing Office, 1871), 305; Ed. R. S. Canby to Assistant Adjutant-General, April 17, 1872, *Official Copies of Correspondence Relative to the War with Modoc Indians*, 1872-3, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 20-1; James, *Modoc*, 42, 51-3; A. B. Meacham to Genl. Canby, January 25, 1872, Fisher Papers, Volume 1, 80-1; A. B. Meacham to I. D. Applegate, November 11, 1871, Fisher Papers, Volume 1, 72-3; Meacham to Hon. Commissioner of Indian Affairs, October 25, 1871, 306.
[241] Atkins to the Secretary of the Interior, September 21, 1887, vii.
[242] J. V. Summers to the Commissioner of Indian Affairs, August 20, 1889, in *Fifty-Eighth Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior 1889* (Washington: Government Printing Office, 1889), 197.
[243] Scarface Charley, IA-0506-185, issued October 10, 1891, "Search – BLM GLO Records," General Land Office Records, Bureau of Land Management, US Department of the Interior, accessed April 3, 2025,

especially important for the Modoc as more whites moved and settled onto their reservation during the 1890s. By this decade, most of the Modoc reservation except for twenty-four acres had been allotted to Modoc Indians and white settlers. Although white settlers came to make up most of the population of the agency, Modoc Natives maintained space through their allotments. While many Modoc Natives were eager for allotments, some Natives sold their lands to settlers and left the reservation for the Klamath Agency in Oregon.[244]

Although missionaries and federal officials pushed Christianity and allotments, respectively, onto the band as a means to assimilate them, Modoc Natives still maintained cultural norms. While many Natives became Quakers, the pastor became the shaman/religious leader for the band, and Modoc Indians signed up for allotments as a means to hold on to their land and be recognized for it – something that Kintpuash tried to do back in California. Indeed, outside of Christianity and allotments, the Native band remained very Modoc in their community, which was reflected through other cultural norms like recreation and their tribal politics.

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https://glorecords.blm.gov/search/default.aspx; Charley Hood, IA-0506-202, issued October 10, 1891, "Search – BLM GLO Records," General Land Office Records, Bureau of Land Management, US Department of the Interior, accessed April 3, 2025, https://glorecords.blm.gov/search/default.aspx; Jennie Clinton, IA-0506-231, issued October 10, 1891, "Search – BLM GLO Records," General Land Office Records, Bureau of Land Management, US Department of the Interior, accessed April 3, 2025, https://glorecords.blm.gov/search/default.aspx; Ben Lawver (spelled Lawvor), IA-0506-248, issued October 10, 1891, "Search – BLM GLO Records," General Land Office Records, Bureau of Land Management, US Department of the Interior, accessed April 3, 2025, https://glorecords.blm.gov/search/default.aspx; T. J. Moore to the Commissioner of Indian Affairs, August 25, 1891, in *Sixtieth Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior 1891* (Washington: Government Printing Office, 1891), 236.

[244] James, *Modoc*, 215.

Even when many of the Modoc Natives adopted American practices like Christianity, they still maintained some of their Indigenous traditions, including gambling. For the Modoc people, gambling was a major form of social life, and both men and women gambled. Before they interacted with Americans, and before Americans arrived in the West, Modoc Natives gambled with each other in their respective bands and against other bands. They also competed in sports with each other. Indeed, gambling and physical recreation was a major source of Indigenous socialization for the Native people and brought Modoc Natives together.[245]

Kintpuash's band brought their cultural traditions to the Indian Territory, where they continued to gamble. In his 1874 report, Smith noted that members of Kintpuash's band were gambling their clothes as soon as they arrived in the Indian Territory in November 1873. Smith noted that then-leader of the band, Scarface Charley, refused to end the gambling, which led to him being deposed and Bogus Charley appointed as the new leader of Kintpuash's band. Smith's report illustrated that the Modoc band brought their culture with them to the Southwest.[246] A decade into their removal, the Modoc continued to gamble, which caught the attention of D. B. Dyer. In his report for 1880, Dyer noted that "gambling has become common; such habits are easily acquired, but very difficult to get rid of." Dyer followed up in his reports for 1881 and 1882 that he had broken up the gambling, but mentioned in his report for 1883 that the Modoc resumed gambling: "Of late they have taken up the old practice of gambling, but I shall suppress

[245] James, *Modoc*, 279-80; Verne, *Primitive Pragmatists*, 123, 128-9.
[246] F. H. Smith to Hon. C. B. Fisk, November 21, 1874, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1874* (Washington: Government Printing Office, 1874), 81.

it, even at the cost of much time and worry."[247] Dyer's interpretations of gambling illustrated that he did not understand the band's cultural traditions. Indeed, Dyer did not know that the Modoc gambled long before American settlers arrived in the Pacific Northwest, and his reports illustrated that the Modoc's cultural traditions persisted in the Southwest.

Modoc Natives also brought their religion with them from the Northwest, which some practiced aspects of in the Southwest. A Quaker minister named Jeremiah Curtin who spent time with the Modoc and other Natives in Indian Territory wrote about his interactions with the band in his memoir. Among the things he documented was their traditional religion. Curtin noted that the Modoc buried their dead "with the head towards the east." He learned that back in the Pacific Northwest, Modoc Natives buried their dead in that direction because it faced a sacred monument.[248] Curtin's account illustrated that even when many Modoc Indians adopted Christianity, a number of them continued their traditional religion. Dyer confirmed this social resilience in his report for 1882, in which he noted that "They no longer burn the bodies of their dead, but some few of the older ones insist in burying the clothing, &c., of the deceased with the body and then go into a sweat house for five days – believing if they do not that they will die soon with the same

[247] Dyer to the Commissioner of Indian Affairs, August 21, 1881, 97; Dyer to the Commissioner of Indian Affairs, August 16, 1883, 79.
[248] Joseph Schafer, ed., *Memoirs of Jeremiah Curtin* (Madison: State Historical Society of Wisconsin, 1940), 330-2.

disease as the deceased had."[249] As Dyer and Curtin noted, Modoc Natives continued to practice traditional religious and cultural customs.

Even the band's tribal government illustrated their cultural persistence because it mirrored their traditional form of government. Long before Americans arrived in the Pacific Northwest, the Modoc people lived in autonomous bands scattered across the California-Oregon border. Each band was led by a laGi, or leader, who kept the peace in his band. Each band also had a war leader and shaman, the latter who served as the band's religious leader. Although only men could serve as laGis and war leaders, women could serve as shamans. According to tribal historian Cheewa James in an interview for the California Museum in 2011, the Modoc were "one of America's first democracies" because the laGi was selected via consensus of the band – who could also depose him any time by what James referred to as "a simple voice consensus" – and decisions were carried out via assembly. While not formal political bodies, laGis called these assemblies mostly for peacekeeping, and everyone – men and women –participated. Although women could not vote, they still participated in their band's affairs. As James explained, the final say in any matter was the consensus of the Modoc people – thus illustrating Indigenous democracy in action.[250]

After the Modoc band arrived in Indian Territory, federal officials appointed Bogus Charley as the band's leader without consensus of the band. Still, he proved himself to be a leader for his people during the Jones Family Ring. Bogus Charley

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[249] D. B. Dyer to the Commission of Indian Affairs, August 26, 1882, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1882* (Washington: Government Printing Office, 1882), 83.
[250] James, *Modoc*, 268-9; Ray, *Primitive Pragmatists*, 3-8, 42-3

testified to Congress about the family ring that impacted his community, and stated that his people were willing to live like the white people. His testimony assisted Congress in its investigation of the Jones Family Ring, and he also obtained a day school for his community to stay together and receive an education. Although not elected, he proved to be a worthy laGi because he wanted justice for his people.[251]

In Indian Territory, the Modoc band rebuilt their tribal government, which paralleled their political traditions. According to the report to the Commissioner of Indian Affairs for 1902, each of the six Native communities on the Quapaw Agency had their own system of government. Each tribe had its "own chief and council," and each tribal nation fell under the authority of the federal government.[252] Tom Captain, an Eastern Shawnee, and neighbor to the Modoc band, spoke about their government in his oral history. Captain described the band as being "under the government," and noted that the band had different leaders: "old Sam Bull was the Chief and Yellowhammer he claimed to be a chief too, but I don't know which one was chief."[253] He also described his friend Charley Hood, another Modoc Native, as a tribal leader since he was educated. Cheewa James clarified Captain's comments about Modoc leadership in her text *Modoc: The Tribe That Wouldn't Die*. According to James, Yellowhammer was the adopted name of Ben Lawver, a veteran of the Modoc War. He served as the laGi of the band after Bogus Charley. Lawver, whose Native name was Ha-kar-gar-ush, married a white Quaker woman named Alice Perdin and had a family with her. Although he continued to practice

[251] Jones to Hon. Edw. P. Smith, September 20, 1875, 282; Hurtado, "The Modocs and the Jones Family Indian Ring," 100-2.
[252] Durant to Commissioner of Indian Affairs, August 12, 1902, 189.
[253] Captain, "Life History Materials," May 16, 1969, 6.

Modoc traditions, like dancing, by 1905, he gave up traditional Modoc customs because his brother's Modoc widow tried to kill him after he refused to marry her, as the Modoc tradition was that Modoc men married the widows of their brother after they died. Lawver eventually returned to live on the Klamath Reservation in Oregon.[254] The life of Ben Lawver/Yellowhammer illustrated the political resilience of the band, in that they continued to recognize traditional leaders.

One major difference about Modoc leadership in Indian Territory compared to California and Oregon was that after 1880 until the 1970s, the United States did not recognize the power of the chief because in 1880, the Commissioner of Indian Affairs abolished this position in order to negotiate more directly with tribal members. That year, eleven members of the band wrote to Dyer and called for Bogus Charley to be removed as the chief after a council was held. Although these Modoc Natives asked for a Modoc named Long George to be made their chief, after Dyer forwarded this request to the Commissioner of Indian Affairs, he recommended to the Commissioner that the position of Modoc chief be abolished. The Commissioner agreed to this proposal. The Commissioner then decided that any affairs or business between the band and the government would be conducted among tribal members themselves since he believed that the position of the chief had no real power.[255] The federal government decided to work more directly with a Modoc tribal council, which to some extent paralleled traditional Modoc assemblies who determined the affairs of their respective band, though it was the

[254] James, *Modoc*, 221-2, 226-7; Riddle, *Indian History*, 198.
[255] Lucille Martin, "The Modoc in Indian Territory," in *The Northwestern Tribes in Exile* edited by Cliff Trafzer (Sacramento: Sierra Oaks Publishing Co., 1987) 25-6.

duty of the laGi to call and oversee these assemblies. By 1880, however, the council became more elevated politically speaking while the chief lost political power. This is not to say that the band stopped recognizing leaders after Bogus Charley since they recognized Ben Lawver. Indeed, the fact that the report from 1902 stated that all tribes on the Quapaw Agency had a chief and tribal council indicated that the band had a leader, who at this point was Lawver. What happened was that while the Modoc band recognized their laGis, the federal government did not, at least not until 1978 when it recognized Bill Follis as the Chief of the Modoc Tribe. With regards to the report from 1902, the federal government knew the Modoc had a leader, but did not recognize his authority. Indeed, Lawver held no formal power recognized by the United States, but the fact that his people recognized him, illustrated that the Modoc band maintained their political traditions.[256]

Although physically removed far from the Pacific Northwest, Modoc Natives did not completely abandon cultural traditions they brought with them to Indian Territory. Band members continued to gamble with each other as they had done back in California, and practiced their traditional religion even as many of them converted to Christianity. Although their tribal government differed in some ways from their traditional government, for the most part it retained aspects of their political traditions. Indeed, Modoc Natives managed to preserve or amend their traditions as they kept their community together, and for some of these Natives, they hoped to repair the larger Modoc community back in Oregon.

[256] James, *Modoc*, 268-9; Ray, *Primitive Pragmatists*, 3-7; Trolinger, "History of the Modoc Tribe," 6.

On the Quapaw Agency, death continued to haunt the Modoc band during the late nineteenth century and into the early twentieth century. Indian agents in their reports from the 1880s into the early twentieth century consistently noted population changes among the Native band, and most of them indicated that the band's numbers were decreasing since their arrival in Indian Territory. Indeed, the Modoc population in the Territory overall did decline since the band's arrival to the region, and reports year after year detailed this population decrease. In fact, the decline according to Quapaw agency physician John Lindley was so bad that if it kept up, then the Modoc people would go extinct.[257] When examining the reports and population changes of the Native band at a closer angle, however, it tells a more complex story of fluctuation than an expected near extinction of the Modoc people.

In the years after Hiram Jones, Indian agents and other officials of the Quapaw Agency consistently noted the decline in the Modoc population in their reports to the Commissioner of Indian Affairs. According to one report from 1886 by J. V. Summers, the death rate of Modoc Natives was "commensurately high," and the climate of Indian Territory caused "consumption" (tuberculosis) among the Modoc, which to Summers, was "fast diminishing this tribe."[258] Summers's language about Modoc deaths reflected the vanishing Indian trope popularized in the United States during the nineteenth century, which argued that Native Americans were destined to go extinct as their populations decreased and as they lost their lands to settlers.[259] While Summers did not completely

[257] Lindley to Maj. T. J. Moore, "Report of Physician, Quapaw Agency," July 1, 1890, 89.
[258] Summers to the Commissioner of Indian Affairs, August 30, 1886, 141.
[259] Brian W. Dippie, *The Vanishing American: White Attitudes & U.S. Indian Policy* (Lawrence: University Press of Kansas, 1982), xii, 12-5, 16-21, 36-8, 41-3.

endorse this theory in his report, his choice of language of "fast diminishing" when describing illnesses that affected the Modoc indicated that he believed the band might vanish.

Summers was not the only official to predict the "end" of the Modoc people, as the Quapaw Agency's physician, John Lindley, although thought this. At first, Lindley thought the Modoc would go extinct, but could be saved, which he expressed in his report for 1890. In this report, Lindley speculated that "Unless something is done to give the physician better and more effectual means of carrying out the treatment, the tribe will almost be wiped from existence within the next ten years."[260] Lindley believed that the Modoc could be saved from a supposed extinction if he had the appropriate tools to treat the Natives. Indeed, he believed the Native people had a chance.

Lindley, however, later believed that the Modoc band would go extinct, which he discussed in his report for 1892. In this report, he wrote that "The time is not far distant when the Modocs will be extinct, so far as this agency is concerned, and it is useless to try to prevent it. A strict regard for cleanliness will prolong and comfort their lives, but will never eradicate the diseases."[261] Originally sounding like a concerned doctor who believed he could save his patients, now Lindley appeared to give up. He sounded as if there was no hope for the Modoc because according to him they would soon vanish from the earth, and the only thing he could do was make them feel comfortable in their supposed final years. His report echoed Summer's paternalistic belief of the vanishing

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[260] Lindley to Maj. T. J. Moore, "Report of Physician, Quapaw Agency," July 1, 1890, 89.
[261] John S. Lindley to T. J. Moore, "Report of Physician at Quapaw Agency, August 29, 1892, in *Sixty-First Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior 1892* (Washington: Government Printing Office, 1892), 246.

Indian trope because he sounded less like a doctor treating his patients and more like a veterinarian working with animals. What made his report for 1892 more frustrating was that he would have known about Modoc Natives returning to Oregon since a previous report established this fact, and he himself noted in the very same report about them asking him to go home to improve their health. He would have known then that the band was not going "extinct," but still promoted the vanishing Indian trope that Summers and other Americans believed in during the late nineteenth century.[262]

One thing to understand when reading these reports is that while the population of the band clearly declined since their arrival in 1873, the story is more complex in that it was more of a fluctuating population in the region. As stated in the previous paragraph, while many Modoc Natives died of disease and the poor climate, many of them moved back to the Klamath Reservation in Oregon, which led to a shrinking Modoc population in Indian Territory. It was not Modoc Natives "disappearing" as Lindley believed – it was that some returned to the Pacific Northwest. Modoc Natives never vanished from Indian Territory – they remained or left as other federal officials documented in their reports and other Natives recounted in their oral histories.[263]

Another thing to understand is that reports of the band over the years indicated that this decline was not a straight line. Instead, the population increased at times while most of the time it decreased. For instance, Dyer noted in his report from 1880 that the Modoc population was ninety-nine, which decreased to ninety-four in Robb's report for

[262] Lindley to T. J. Moore, "Report of Physician at Quapaw Agency, August 29, 1892, 246; Summers to the Commissioner of Indian Affairs, August 23, 1887, 93.
[263] Tom Captain, "Eastern Shawnees and Other Tribes of Northeast Oklahoma," interview by J. W. Tyner, September 16, 1969; Hayman, "An Interview With Mrs. Cora Hayman," October 21, 1937, 285-6.

1884. However, in the report for 1885, William Ridpath – who succeeded Dyer and Robb – counted ninety-seven Modoc Natives.[264] As the different reports clearly illustrate, the band's numbers hovered in the high nineties during the early 1880s. Their numbers were pretty far from one hundred and fifty-three, but still demonstrated a sizable community. The population continued to decline and fluctuate during the 1890s and into the early 1900s. In 1890, T. J. Moore counted eighty-four Modoc Natives, and their population decreased to fifty-seven by 1893. Reports from 1893 to 1896 counted fifty-seven Modoc Natives, which then declined to fifty-four Modoc in 1896.[265] Reports from 1897 to 1902 detailed a further decline in the band's population, which decreased from fifty-four in 1896 to forty-seven in 1902 – the lowest number of Modoc Natives recorded in Indian Territory.[266] However, the Modoc population increased to fifty-one in 1903, and

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[264] Dyer to the Commissioner of Indian Affairs, August 25, 1880, 86-90; W. H. Robb to the Commissioner of Indian Affairs, August 31, 1884, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1884* (Washington: Government Printing Office, 1884), 91; W. M. Ridpath to the Commissioner of Indian Affairs, August 26, 1885, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1885* (Washington: Government Printing Office, 1885), 97.
[265] Doane to the Commissioner of Indian Affairs, August 27, 1894, 134; Doane to the Commissioner of Indian Affairs, August 24, 1895, 147; Geo. S. Doane to the Commissioner of Indian Affairs, August 26, 1896, in *Annual Report of the Commissioner of Indian Affairs 1896* (Washington: Government Printing Office, 1896), 144; T. J. Moore to the Commissioner of Indian Affairs, August 30, 1890, in *Fifty-Sixth Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior 1890* (Washington: Government Printing Office, 1890), 83; T. J. Moore to the Commissioner of Indian Affairs, August 25, 1891, in *Sixtieth Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior 1891* (Washington: Government Printing Office, 1891), 234; T. J. Moore to the Commissioner of Indian Affairs, August 30, 1892, in *Sixty-First Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior 1892* (Washington: Government Printing Office, 1892), 243; T. J. Moore to the Commissioner of Indian Affairs, August 21, 1893, in *Sixty-Second Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior 1893* (Washington: Government Printing Office, 1893), 140.
[266] Edgar A. Allen to the Commissioner of Indian Affairs, August 29, 1901, in *Annual Reports of the Department of the Interior for the Fiscal Year Ended June 30, 1901 – Indian Affairs. Part I. Report of the Commissioner, and Appendixes* (Washington, D. C.: Government Printing Office, 1902), 218; Geo. S. Doane to the Commissioner of Indian Affairs, August 27, 1897, in *Annual Reports of the Department of the Interior for the Fiscal Year Ended June 30, 1897 – Report of the Commissioner of Indian Affairs* (Washington: Government Printing Office, 1897), 133; Durant to the Commissioner of Indian Affairs, August 12, 1902, 189; Goldberg to the Commissioner of Indian Affairs, August 10, 1898, 149; Goldberg to the Commissioner of Indian Affairs, August 26, 1899, 188; Edward Goldberg to the Commissioner of

continued to increase for the next two years. According to the report for 1905, there were fifty-six Modoc Natives in the Quapaw Agency. Although the report for 1906 counted fifty-two Modoc Natives – a small decrease from the previous year's report – the report for 1910 counted sixty-seven Modoc Indians in Oklahoma. This report in particular illustrated that most of the Modoc Natives remained in Oklahoma when some returned to Oregon. Overall, these population changes illustrated not a sharp decline, but instead fluctuations in the band's population.[267]

During the late nineteenth and early twentieth centuries, the Modoc band experienced new challenges and opportunities. Modoc Natives continued to die of diseases, and the band's population significantly dropped over their years on the Quapaw Agency. In 1893, the federal government closed the band's day school and sent Modoc children to a boarding school away from their families. Around this time, white settlers increasingly moved into Indian Territory and settled onto the Quapaw Agency. The late nineteenth and early twentieth centuries were challenging for the band, but Modoc Natives stuck together. They continued their agricultural pursuits and pursued other

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Indian Affairs, August 13, 1900, in *Annual Reports of the Department of the Interior for the Fiscal Year Ended June 30, 1900 – Indian Affairs. Report of the Commissioner and Appendixes* (Washington: Government Printing Office, 1900), 224.

[267] Horace B. Durant to the Commissioner of Indian Affairs, September 1, 1903, in *Annual Reports of the Department of the Interior for the Fiscal Year Ended June 30, 1903 – Indian Affairs. Part I. Report of the Commissioner, and Appendixes* (Washington: Government Printing Office, 1904), 161; Horace B. Durant to the Commissioner of Indian Affairs, August 24, 1904, in *Annual Reports of the Department of the Interior for the Fiscal Year Ended June 30, 1904: Indian Affairs. Part I. Report of the Commissioner, and Appendixes* (Washington: Government Printing Office, 1905), 182; Horace B. Durant, August 15, 1905, in *Annual Reports of the Department of the Interior for the Fiscal Year Ended June 30, 1905: Indian Affairs. Part I. Report of the Commissioner, and Appendixes* (Washington: Government Printing Office, 1906), 202; "Population of Indians: Indian Territory," in *Annual Reports of the Department of the Interior 1906 – Indian Affairs: Report of the Commissioner and Appendixes* (Washington: Government Printing Office, 1906) 481; "Statistical Tables," in *Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Fiscal Year Ended June 30, 1910* (Washington: Government Printing Office, 1911), 64.

avenues of labor. The band adopted new cultural avenues and maintained their traditions. Most of the Modoc took up allotments to hold onto their lands. Modoc parents sent their children to a day school on their reservation to ensure their future generations would be educated and to stay close to their loved ones. Most of the band converted to Christianity, but maintained aspects of their traditional religion. Modoc Indians continued gambling despite efforts to end it. Finally, the band continued to recognize a laGi when the United States did not. Overall, the band made accommodations and preserved their traditions.

Chapter 6: "To cast their lot among their kindred:" Modoc Reenrollment in the Klamath Tribe

In 1909, Congress officially reenrolled Kintpuash's Modoc band in the Klamath Tribe. The Modoc had a choice with regards to this: these Indians could return to the Klamath Reservation in Oregon, where they would be promised the same allotment and land rights as their fellow Klamath tribal members, or they could remain in Oklahoma, where they could keep their allotments yet remain enrolled in the Klamath Agency as opposed to the Quapaw Agency. While some Modoc Indians returned to Oregon, most of the Modoc band remained in Oklahoma, thus maintaining two major Modoc communities in the American West.[268]

Although Modoc Natives slowly made their way back to the Pacific Northwest, their journeys back were anything but smooth. Indeed, Klamath and Modoc Indians – the ones who remained in the reservation and never fought in the Modoc War – protested the return of Oklahoma Modoc Indians to Oregon out of fear of losing land rights to them.[269]

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[268] Bluejacket, "Eastern Shawnees," November 24, 1969, 3; Captain, "Eastern Shawnees," interview by J. W. Tyner, September 16, 1969,; Hayman, "An Interview With Mrs. Cora Hayman," interview by Nannie Lee Burns, October 21, 1937; Riddle, *Indian History*, 194; US Department of Interior, "Modocs in Oklahoma," *in Rules and regulations relating to the issuance of patents in fee and certificates of competency and the sale of allotted and inherited Indian lands, except those belonging to the five civilized tribes*, October 12, 1910 (Washington, D. C.: Government Printing Office, 1910), 18, https://babel.hathitrust.org/cgi/pt?id=mdp.39015070204980&seq=1.

[269] Samuel Clinton, "Statement of Samuel Clinton," November 12, 1919, in *Letter from the Secretary of the Interior, Transmitting Pursuant to Law, a Communication submitting a Report of an Investigation of the Claim of Charles Hood, Half-Blood Modoc Indian, for Payment for Alleged Services Performed by Him*, 66th Congress, 2nd Session, Document no. 183, Senate Documents Vol. 14 (Washington, D. C.: Government Printing Office, 1920), 16, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1; Charles Hood, *in Letter from the Secretary of the Interior, Transmitting Pursuant to Law, a Communication submitting a Report of an Investigation of the Claim of Charles Hood, Half-Blood Modoc Indian, for Payment for Alleged Services Performed by Him*, 66th Congress, 2nd Session, Document no. 183, Senate Documents Vol. 14 (Washington, D. C.: Government Printing Office, 1920), 20, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1; Lucinda Hood, *Letter from the Secretary of the Interior, Transmitting Pursuant to Law, a Communication submitting a Report of an Investigation of the*

Not only that, but the Modoc band also dealt with a controversy of whether or not to reimburse their delegate Charles Hood for his services to the community. Before members of the band returned to Oregon, Oklahoma Modoc Indians held a council over who to represent them after they learned of potential reenrollment in the Klamath Tribe from Jesse Kirk, a Klamath reverend. The council chose Hood as their delegate to represent them in Oregon and Washington, D.C..[270] Although Hood traveled first to Oregon and then to Washington, D. C. – the latter twice – he left for Oregon in 1903 with his family and settled on the Klamath Reservation, leaving his fellow Modoc Indians in Oklahoma. In 1911, two years after the band's reenrollment in the Klamath Agency, Hood circulated a petition among his Modoc community asking for reimbursement for his

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Claim of Charles Hood, Half-Blood Modoc Indian, for Payment for Alleged Services Performed by Him, 66th Congress, 2nd Session, Document no. 183, Senate Documents Vol. 14 (Washington, D. C.: Government Printing Office, 1920), 18, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1.

[270] Daniel Clinton, in *Letter from the Secretary of the Interior, Transmitting Pursuant to Law, a Communication submitting a Report of an Investigation of the Claim of Charles Hood, Half-Blood Modoc Indian, for Payment for Alleged Services Performed by Him*, 66th Congress, 2nd Session, Document no. 183, Senate Documents Vol. 14 (Washington, D. C.: Government Printing Office, 1920), https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1; Jennie Clinton, in *Letter from the Secretary of the Interior, Transmitting Pursuant to Law, a Communication submitting a Report of an Investigation of the Claim of Charles Hood, Half-Blood Modoc Indian, for Payment for Alleged Services Performed by Him*, 66th Congress, 2nd Session, Document no. 183, Senate Documents Vol. 14 (Washington, D. C.: Government Printing Office, 1920), 14, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1; Henry Hudson, in *Letter from the Secretary of the Interior, Transmitting Pursuant to Law, a Communication submitting a Report of an Investigation of the Claim of Charles Hood, Half-Blood Modoc Indian, for Payment for Alleged Services Performed by Him*, 66th Congress, 2nd Session, Document no. 183, Senate Documents Vol. 14 (Washington, D. C.: Government Printing Office, 1920), 26, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1; Cora Hayman, in *Letter from the Secretary of the Interior, Transmitting Pursuant to Law, a Communication submitting a Report of an Investigation of the Claim of Charles Hood, Half-Blood Modoc Indian, for Payment for Alleged Services Performed by Him*, 66th Congress, 2nd Session, Document no. 183, Senate Documents Vol. 14 (Washington, D. C.: Government Printing Office, 1920), 10, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1; Annie Spicer, 7, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1.

travel expenses and services for the community, which amounted to fifteen percent of the Oklahoma Modoc Natives' landholdings on the Klamath Reservation.[271]

Anger and confusion over Hood's role in the Modoc's return to Oregon and his petition led to an investigation of the matter in late 1919. On the Klamath Reservation in Southern Oregon and on the Wyandotte Reservation in Oklahoma, members of Kintpuash's Modoc band who either moved back to Oregon or remained in Oklahoma – respectively – testified about whether or not to reimburse Charles Hood for his travel expenses. Although Hood believed he ought to be reimbursed by his community for helping them return to the Pacific Northwest, many of his fellow Modoc Natives actually felt betrayed by him because according to some testimonies, Hood did not do much work on the band's behalf while other people brought the band back to the Pacific Northwest. According to other testimonies, Hood took the community's money and abandoned them in Oklahoma while he left for Oregon in 1903. Still, other Natives like Hood's wife and fellow Modoc delegate Samuel Clinton stated he did help the band reenroll in the Klamath Agency by fulfilling his duties as their appointed delegate. Indeed, the Modoc

[271] Charles Hood, "Statement of Charles S. Hood, November 12, 1919," in *Letter from the Secretary of the Interior, Transmitting Pursuant to Law, a Communication submitting a Report of an Investigation of the Claim of Charles Hood, Half-Blood Modoc Indian, for Payment for Alleged Services Performed by Him*, 66th Congress, 2nd Session, Document no. 183, Senate Documents Vol. 14 (Washington, D. C.: Government Printing Office, 1920), 12, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1; Franklin K. Lane to the President of the Senate, January 26, 1920, in *Letter from the Secretary of the Interior, Transmitting Pursuant to Law, a Communication submitting a Report of an Investigation of the Claim of Charles Hood, Half-Blood Modoc Indian, for Payment for Alleged Services Performed by Him*, 66th Congress, 2nd Session, Document no. 183, Senate Documents Vol. 14 (Washington, D. C.: Government Printing Office, 1920), 2, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1.

band became a bit divided over whether or not Charles Hood accomplished his job for the community.[272]

When reading the testimonies of the Modoc Indians who testified in the investigation of Charles Hood and his claim for further reimbursement from his community, it looks as if it was about a financial dispute among the Modoc band. But when reading them more carefully, the story becomes more complex. A deeper and more critical analysis of Charles Hood and his claim reveals this was not just an investigation about a delegate asking for what he was owed – it was about how the Modoc band made it back to the Klamath Reservation, and whether or not their delegate fulfilled his duty to his community. The investigation reveals that the reenrollment of the Modoc band in the Klamath Agency and their return to the Klamath Reservation was a complicated story of tribal politics. Yet despite this issue, the investigation further illustrates the political agency of the band because they reenrolled in the Klamath Tribe and for some, returned to Oregon, through their diplomatic effort with the United States.

In his report for 1902, the Superintendent of Indian Affairs for the Klamath Agency, and member of the prominent Applegate family, O.C. Applegate, made an intriguing note in his Indian Affairs report: Modoc Natives from Indian Territory had returned to live on the Klamath Reservation. As Applegate explained, "a few have returned here to cast their lot among their kindred," which indicated that Natives were

[272] *Letter from the Secretary of the Interior Transmitting Pursuant to Law, a Communication Submitting a Report of an Investigation of the Claim of Charles S. Hood, Half-Blood Modoc Indian, For Payment for Alleged Services Performed by Him*, 66th Congress, 2nd session, 1-36, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1.

reuniting with their loved ones in Oregon.[273] In his report for 1903, Applegate counted twenty-one members of Kintpuash's band from Indian Territory who moved back to Oregon.[274] Applegate's reports illustrated that Modoc Natives in the Southwest never lost their connections to their community back in Oregon.

Before Applegate wrote his reports and even assumed his post as Superintendent, Modoc Natives in the Southwest had hoped to return to Pacific Northwest, which Indian agents for the Quapaw Agency noted in their reports during the 1880s. The earliest mention of Modoc Indians longing to return to their ancestral homelands was by D. B. Dyer in his report for 1882, in which he stated "they often come to me and cry, begging the privilege of a visit to their own mountain home."[275] Dyer followed this up in his report for 1883, where he noted that "They are much more contented than they were a few years ago; still they greatly desire that some members of the tribe be allowed to visit their old home in Oregon and return with a report from their relatives and friends."[276] Dyer's two reports clearly indicated that Modoc Natives never forgot about their previous reservation home in Oregon where their loved ones lived. It further illustrated that even when physically divided across the country, the Modoc community in the Southwest still had personal connections with the Oregon Modoc community back in the Northwest. Overall, Modoc Natives in Indian Territory were still very much attached to their loved ones and ancestral Pacific Northwest homeland.

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[273] Applegate to the Commissioner of Indian Affairs, September 10, 1902, 309.
[274] O. C. Applegate to the Commissioner of Indian Affairs, September 25, 1903, in *Annual Reports of the Department of the Interior for the Fiscal Year ended June 30, 1903* (Washington: Government Printing Office, 1903), 286.
[275] Dyer to the Commission of Indian Affairs, August 26, 1882, 83.
[276] Dyer to the Commission of Indian Affairs, August 16, 1883, 83.

After Dyer stepped down as the Indian agent for the Quapaw Agency, Modoc Natives slowly began returning to the Klamath Agency in Oregon over the course of the next twenty years. In a report for 1887, J.V. Summers noted that some Modoc Natives in Indian Territory returned to Oregon, while others asked the Quapaw agency's physician permission to visit the Klamath Agency both for health purposes and to return in general. The Modoc band experienced all sorts of ailments in the agency, especially tuberculosis.[277] Tuberculosis killed many Modoc Natives on the Quapaw Agency during the late nineteenth century, as the agency's physician during the 1890s, John Lindley, consistently noted in his reports to the Commissioner of Indian Affairs.[278] By leaving for Oregon, Modoc Natives hoped to escape these illnesses and Indian Territory's climate. One important thing to note about the Klamath Agency was that although it was located far from Modoc ancestral territories, its climate was more similar to that of the Native band's homeland in Northern California and Southern Oregon than that of Indian Territory. Indeed, the colder climate of the Klamath Basin, though not as the same as the climate of Lost River, California, was much healthier and appealing to the Modoc band compared to the hot, humid climate of Indian Territory.[279] Not only that, but physically speaking the agency was located closer to Modoc homelands compared to the Modoc reservation on the Quapaw Agency in the Indian Territory. Most important of all, their

[277] Summers to the Commissioner of Indian Affairs, August 23, 1887, 93.
[278] Lindley to Maj. T. J. Moore, "Report of Physician, Quapaw Agency," July 1, 1890, 89; John S. Lindley to Maj. T. J. Moore, August 25, 1891, in *Sixtieth Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior 1891* (Washington: Government Printing Office, 1891), 240; Lindley to T. J. Moore, "Report of Physician at Quapaw Agency, August 29, 1892, 246; Summers to the Commissioner of Indian Affairs, August 30, 1886, 141.
[279] "Territory Topics – Modocs to Emigrate," *Mooreland Leader*, May 30, 1903, 2.

loved ones and families lived on the reservation, so returning home would heal the Modoc Natives physically and emotionally.

In 1909, two years after the United States admitted the Indian Territory as Oklahoma to the union, the federal government re-enrolled the Modoc band in the Klamath Agency and allowed the Modoc in Oklahoma to return to Oregon. According to Jeff C. Riddle, who discussed it in his recollection of the Modoc War, Congress passed a bill that permitted the remainder of Kintpuash's band to return to Oregon, where they could "be restored to the rolls of the Klamath Agency in Oregon, that they should be allotted as all other Indians on said reservation, that they should be accorded all rights and privileges of all other Indians enrolled at the Klamath Agency, Oregon."[280] As the bill stated, the Modoc Natives who returned to the Klamath Reservation would not only be re-enrolled as members of the Klamath Agency, but also receive the same rights as other Natives on the agency. As for the Modoc who chose to remain in Oklahoma, they would still be reenrolled as members of the Klamath Agency.[281] The bill sought to help restore community ties among the larger Modoc community, and after Congress passed it, many of the Modoc Natives from Oklahoma moved back to Oregon.[282]

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[280] Riddle, *Indian History*, 194.
[281] Trolinger, "History of the Modoc Tribe of Oklahoma," 6.
[282] "Captain Jack's Band May be Permitted to Return to Old Home," *Napa Weekly Journal*, February 5, 1909, 4, https://cdnc.ucr.edu/?a=d&d=NWJ19090205.2.75&srpos=4&e=------190-en--20-NWJ-1--txt-txIN-Captain+Jack----1909---; "Last of the Modoc Indians to Return to Old Home," *Los Angeles Herald*, February 4, 1909, 2, https://cdnc.ucr.edu/?a=d&d=LAH19090204.2.17&srpos=6&e=------190-en--20--1--txt-txIN-%22modoc+indians%22---; "Modoc Indians to Be Sent Home," *Sacramento Daily Union*, February 4, 1909, 11; Riddle, *Indian History*, 194; US Department of Interior, "Modocs in Oklahoma," in *Rules and regulations relating to the issuance of patents in fee and certificates of competency and the sale of allotted and inherited Indian lands, except those belonging to the five civilized tribes*, October 12, 1910 (Washington, D. C.: Government Printing Office, 1910), 18.

While some of the Modoc band members moved back to the Pacific Northwest, several of them remained in Oklahoma. The Modoc Natives who remained behind have been discussed in various oral histories from various Natives, some who were Modoc like Cora Hayman, or those who lived close to the Modoc band like the Eastern Shawnee Tom Captain. In his oral history, Captain mentioned the Modoc, who were his community's neighbors, left for Oregon, except for as he put it "the mixed breeds."[283] According to Captain, most of the Modoc Natives left for the Pacific Northwest except for a few members. In his oral history for 1969, Julian Bluejacket mentioned there were about "about three or four families" of Modoc Natives who were living in Oklahoma, which indicated that even into the mid-twentieth century there were Modoc Natives still in the Southwest.[284] Cora Hayman mentioned in her oral history that she was one of the "original hundred and fifty-two Modocs" removed to the Indian Territory/Oklahoma who stayed in Oklahoma. She also mentioned that she visited Oregon in the summer of 1936 with her granddaughter and saw the Modoc who lived there as well as visited the Lava Beds.[285] Hayman revealed that though she lived thousands of miles from her ancestral homeland and her community that lived on the Klamath Reservation, she still had connections to both of them.

Even when forcibly removed from their Pacific Northwest homeland, the Modoc band never lost their connections to their families and loved ones who remained on the

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[283] Captain, "Eastern Shawnees," September 16, 1969, 2.
[284] Bluejacket, "Shawnees," November 24, 1969, 3.
[285] Hayman, "An Interview With Mrs. Cora Hayman," October 21, 1937, 285-6; "Statistical Tables," June 30, 1910, in *Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Fiscal Year Ended June 30, 1910* (Washington, D. C.: Government Printing Office, 1911), 64.

Klamath Agency in Oregon, as members of this band demonstrated by moving back west. Indeed, over the course of two decades, Modoc Natives in the Southwest slowly returned to the reservation they had originally been removed to in 1864, and in 1909, the United States formally allowed the Modoc band to return to Oregon. While most of the band did return to the Pacific Northwest, oral histories of Modoc and non-Modoc Natives confirmed that several Modoc Indians remained in Oklahoma and maintained their diasporic community/nation in the Southwest. Indeed, by returning to Oregon or remaining in Oklahoma, Modoc Natives of Kintpuash's band rebuilt the larger Modoc community in the Pacific Northwest and preserved a removed Modoc community/polity in Oklahoma that had ancestral ties to Northern California and Southern Oregon – the ancestral homeland of the Native people. Yet this reenrollment in the Klamath Tribe was not without its difficulties, as the story of Charles Hood would reveal.

Although individual Modoc Natives slowly returned to the Pacific Northwest during the late nineteenth and early twentieth centuries, and the United States allowed the band to return to Oregon in 1909, the formal political return of the larger Modoc band started in 1902. According to Annie Spicer, an Oklahoma Modoc woman who remained in Oklahoma and was one of the Modoc Indians who testified against Charles Hood in 1919, a Klamath Indian reverend named Jesse Kirk traveled to Washington, D. C. and wrote to the band in Oklahoma.[286] Kirk informed the band that he could help the Modoc

[286] Annie Spicer, "Testimony of Annie Spicer," in *Letter from the Secretary of the Interior, Transmitting Pursuant to Law, a Communication submitting a Report of an Investigation of the Claim of Charles Hood, Half-Blood Modoc Indian, for Payment for Alleged Services Performed by Him*, 66th Congress, 2nd Session, Document no. 183, Senate Documents Vol. 14 (Washington, D. C.: Government Printing Office, 1920), 7, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1.

be reinstated in the Klamath Agency back in Oregon, which prompted the band to hold a council about the situation. At the council, the band decided who they should send to Washington, D. C. to represent the Oklahoma Modoc and lobby Congress to reenroll them in the agency. According to different Modoc testimonies, the council decided to send Hood because he could speak English and was educated. According to Tom Captain, Hood was educated at Carlisle Indian School along with Cora Pickering, who later became Cora Hayman. Hoods' skills illustrated that the Modoc band saw education as a way to help their community. Hood's skills further illustrated that he would become a diplomat or delegate for his people, thus continuing the Modoc-American diplomacy.[287]

Hood accepted his role as the delegate or representative for the Modoc band, where he traveled first to Washington D. C., then to Oregon with Samuel Clinton, one of

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[287] Captain, "Life History Materials and Related Subjects," 5; Daniel Clinton, in *Letter from the Secretary of the Interior, Transmitting Pursuant to Law, a Communication submitting a Report of an Investigation of the Claim of Charles Hood, Half-Blood Modoc Indian, for Payment for Alleged Services Performed by Him*, 66th Congress, 2nd Session, Document no. 183, Senate Documents Vol. 14 (Washington, D. C.: Government Printing Office, 1920), 14, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1; Jennie Clinton, "Statement of Jennie Clinton, in *Letter from the Secretary of the Interior, Transmitting Pursuant to Law, a Communication submitting a Report of an Investigation of the Claim of Charles Hood, Half-Blood Modoc Indian, for Payment for Alleged Services Performed by Him*, 66th Congress, 2nd Session, Document no. 183, Senate Documents Vol. 14 (Washington, D. C.: Government Printing Office, 1920), 13, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1; Henry Hudson, in *Letter from the Secretary of the Interior, Transmitting Pursuant to Law, a Communication submitting a Report of an Investigation of the Claim of Charles Hood, Half-Blood Modoc Indian, for Payment for Alleged Services Performed by Him*, 66th Congress, 2nd Session, Document no. 183, Senate Documents Vol. 14 (Washington, D. C.: Government Printing Office, 1920), 26, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1; Cora Hayman, in *Letter from the Secretary of the Interior, Transmitting Pursuant to Law, a Communication submitting a Report of an Investigation of the Claim of Charles Hood, Half-Blood Modoc Indian, for Payment for Alleged Services Performed by Him*, 66th Congress, 2nd Session, Document no. 183, Senate Documents Vol. 14 (Washington, D. C.: Government Printing Office, 1920), 10, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1; Etta Stanley, in *Letter from the Secretary of the Interior, Transmitting Pursuant to Law, a Communication submitting a Report of an Investigation of the Claim of Charles Hood, Half-Blood Modoc Indian, for Payment for Alleged Services Performed by Him*, 66th Congress, 2nd Session, Document no. 183, Senate Documents Vol. 14 (Washington, D. C.: Government Printing Office, 1920), 9, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1.

the Oklahoma Modoc Indians. He then traveled to Washington, D. C. a second time in 1903, and asked the band to reimburse him for his travel expenses and to care for his family while he was away. The band accepted this condition.[288]

Hood and Clinton's diplomatic trip to Oregon in 1903 was anything but pleasant, as they recounted years later. During the investigation of Hood's promised funds in 1919, Hood and Clinton, along with Hood's wife Lucinda testified about Hood and Clinton's trip to the Klamath Agency in 1902. According to Clinton, he and Hood traveled to Oregon to discuss their band's return to the Klamath Agency, where they met Modoc and Klamath tribal members at the Oregon Modoc's church in Southern Oregon. Samuel Clinton described his experience of traveling to Oregon to arrange the Modoc's return to the Klamath Agency. According to Clinton, when he and another Modoc named Charles Hood – the person of interest in the financial dispute – went to Oregon to discuss their return to the Pacific Northwest, he and Hood "were given a hostile reception" by the Native inhabitants of the Agency. Clinton explained that at a meeting at the Williamson River church in Oregon – the Modoc church on the Klamath Agency – "The People were opposing us. They objected on the ground that we had lost our rights on the reservation by rebelling against the Government, so they were not willing for us to have any rights."[289] These rights included allotment rights, which meant that Oklahoma Modoc

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[288] Minnie Snyder Robbins, in *Letter from the Secretary of the Interior, Transmitting Pursuant to Law, a Communication submitting a Report of an Investigation of the Claim of Charles Hood, Half-Blood Modoc Indian, for Payment for Alleged Services Performed by Him*, 66th Congress, 2nd Session, Document no. 183, Senate Documents Vol. 14 (Washington, D. C.: Government Printing Office, 1920), 27-8, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1 .

[289] Samuel Clinton, November 12, 1919, 16, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1.

Indians who had previously sold off their allotments in Oklahoma could sign up for allotments in Oregon. Clinton added that while some of the Natives did want the Oklahoma Modoc to return to Oregon and take up land, they did not want the Modoc to receive any money, which prompted Clinton to reply "We told them that if we had no rights at all we had no rights to the land. If we had rights, we wanted money and land."[290] Charles Hood confirmed this hostility in his own testimony: "Upon our meeting with the said Indians of that reservation we received a hostile reception, they alleging and denying that we had any rights on the rolls of said reservation."[291] Lucinda Hood, the wife of Charles Hood, testified that these people who protested against the Oklahoma Modoc were indeed "the Klamath and Modocs."[292]

These three Modoc testimonies illustrated that for many Modoc Natives who returned to Oregon in the years leading up to 1909, it was not an easy experience because not everyone on the Klamath Agency welcomed their fellow tribal members home. While many Modoc Natives who returned to Oregon during the late nineteenth century happily reunited with their loved ones, not all the Modoc on the reservation welcomed the Oklahoma Modoc back to Oregon. Indeed, to the Modoc Indians who remained on the

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[290] Samuel Clinton, November 12, 1919, 16, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1.

[291] Charles Hood, "Statement of Charles S. Hood," in *Letter from the Secretary of the Interior, Transmitting Pursuant to Law, a Communication submitting a Report of an Investigation of the Claim of Charles Hood, Half-Blood Modoc Indian, for Payment for Alleged Services Performed by Him*, 66th Congress, 2nd Session, Document no. 183, Senate Documents Vol. 14 (Washington, D. C.: Government Printing Office, 1920), 20, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1.

[292] Lucinda Hood, *Letter from the Secretary of the Interior, Transmitting Pursuant to Law, a Communication submitting a Report of an Investigation of the Claim of Charles Hood, Half-Blood Modoc Indian, for Payment for Alleged Services Performed by Him*, 66th Congress, 2nd Session, Document no. 183, Senate Documents Vol. 14 (Washington, D. C.: Government Printing Office, 1920), 18, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1.

Klamath Reservation, they had stayed out of trouble with the United States and avoided another forced removal, in this case to Indian Territory. Still, this episode of hostility from the Oregon Modoc toward Oklahoma Modoc Indians returning home is important to highlight because it illustrated how the larger Modoc community had become divided – socially and geographically speaking – after 1873.[293]

The testimonies of Modoc Indians at Klamath in the federal investigation of Charles Hood in late 1919 highlighted how a financial dispute over the return to Oregon divided the Oklahoma Modoc band, at least to some extent. Earlier that year on June 30, Congress approved an investigation of Hood's claim that the Modoc band should reimburse him for his role in securing their re-enrollment and return to the Klamath Agency.[294] The investigation took place on the Klamath Agency in Oregon in November and the Seneca Indian School in Oklahoma in December, and federal officials questioned Modoc Natives in both states about Hood's claim. According to this claim, Hood circulated a petition that stated any Modoc who signed it and returned to the agency would give him fifteen cents of their land rights in Oregon.[295]

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[293] Applegate to Commissioner of Indian Affairs, September 10, 1902, in Horace B. Durant to Commissioner of Indian Affairs, August 12, 1902, in *Annual Reports of the Department of the Interior for the Fiscal Year Ended June 30, 1902 – Indian Affairs. Part I. Report of the Commissioner, and Appendixes* (Washington: Government Printing Office, 1903), 309; Summers to the Commissioner of Indian Affairs, August 23, 1887, 93; *Sixty-First Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior 1892* (Washington: Government Printing Office, 1892),

[294] Franklin K. Lane to the President of the Senate, January 26, 1920, in *Letter from the Secretary of the Interior, Transmitting Pursuant to Law, a Communication submitting a Report of an Investigation of the Claim of Charles Hood, Half-Blood Modoc Indian, for Payment for Alleged Services Performed by Him*, 66th Congress, 2nd Session, Document no. 183, Senate Documents Vol. 14 (Washington, D. C.: Government Printing Office, 1920), 1, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1.

[295] Lane, January 26, 1920, *Letter from the Secretary of the Interior*, 1-3, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1.

In addition to this claim, Charles stated to the investigators that before he left for Washington, D. C. and Oregon for his first diplomatic trip, he circulated a petition among the council that would establish power of attorney to represent the band as their delegate. In other words, he was not just appointed by the band, but legally speaking was their leader. While some Modoc signed this petition from 1911, most of the band refused because according to these members, Hood was not much of a help – nor did he even help the band at all with returning them to the Klamath reservation.[296] A white woman who married into the band, Alice Lawver, went as far as to say that Hood abandoned his community in the Southwest.[297] But while the investigation of Charles Hood was officially about reimbursement, the underlying story that emerged from it was that the Modoc band's return to Oregon was plagued with inner-tribal divisions over who

[296] Mrs. Samuel Clinton (Dollie), "Statement of Mrs. Samuel Lawver, Taken at the Seneca School and Quapaw Agency, Wyandotte, Okla., December 13, 1919," in *Letter from the Secretary of the Interior, Transmitting Pursuant to Law, a Communication submitting a Report of an Investigation of the Claim of Charles Hood, Half-Blood Modoc Indian, for Payment for Alleged Services Performed by Him*, 66th Congress, 2nd Session, Document no. 183, Senate Documents Vol. 14 (Washington, D. C.: Government Printing Office, 1920), 10, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1; Cora Hayman, 10, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1; Matilda Miller in *Letter from the Secretary of the Interior, Transmitting Pursuant to Law, a Communication submitting a Report of an Investigation of the Claim of Charles Hood, Half-Blood Modoc Indian, for Payment for Alleged Services Performed by Him*, 66th Congress, 2nd Session, Document no. 183, Senate Documents Vol. 14 (Washington, D. C.: Government Printing Office, 1920); Henry Hudson, 26, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1; Etta Stanley, in *Letter from the Secretary of the Interior, Transmitting Pursuant to Law, a Communication submitting a Report of an Investigation of the Claim of Charles Hood, Half-Blood Modoc Indian, for Payment for Alleged Services Performed by Him*, 66th Congress, 2nd Session, Document no. 183, Senate Documents Vol. 14 (Washington, D. C.: Government Printing Office, 1920), 9, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1;

[297] Alice Lawver, in *Letter from the Secretary of the Interior, Transmitting Pursuant to Law, a Communication submitting a Report of an Investigation of the Claim of Charles Hood, Half-Blood Modoc Indian, for Payment for Alleged Services Performed by Him*, 66th Congress, 2nd Session, Document no. 183, Senate Documents Vol. 14 (Washington, D. C.: Government Printing Office, 1920), 22, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1.

properly represented the band during this period, and whether or not Charles Hood served his duty as the band's delegate/diplomat.

Most of the Modoc Indians who testified in the investigation told a narrative of anger or frustration against Hood, and the central argument that united these testimonies was that Hood never helped the band. While a number of the Modoc Indians who testified confirmed that they did hold a council and appointed Charles to be their delegate, they disagreed over whether or not Hood did his duty to the band.[298] Daniel Clinton, the brother of Samuel Clinton, went as far as to tell Hood to his face that "The folks didn't send you down to establish their rights. You were sent there to investigate what could be done." Clinton also mentioned that "There wasn't a power of attorney drawn up" at the council to appoint Hood his role. According to Daniel, it was Hood's job just to see if he could find a way to get the band reenrolled as opposed to actually working to get them back to the Pacific Northwest.[299] Although Daniel argued that Hood was just to investigate a potential reenrollment and return to Oregon, other Modoc Indians who testified stated that Hood was actually supposed to work to get them back to the Pacific Northwest.

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[298] John Ball, in *Letter from the Secretary of the Interior, Transmitting Pursuant to Law, a Communication submitting a Report of an Investigation of the Claim of Charles Hood, Half-Blood Modoc Indian, for Payment for Alleged Services Performed by Him*, 66th Congress, 2nd Session, Document no. 183, Senate Documents Vol. 14 (Washington, D. C.: Government Printing Office, 1920), 31; Henry Hudson, in *Letter from the Secretary of the Interior*, 28, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1.

[299] Daniel Clinton, in *Letter from the Secretary of the Interior, Transmitting Pursuant to Law, a Communication submitting a Report of an Investigation of the Claim of Charles Hood, Half-Blood Modoc Indian, for Payment for Alleged Services Performed by Him*, 66th Congress, 2nd Session, Document no. 183, Senate Documents Vol. 14 (Washington, D. C.: Government Printing Office, 1920), 14-5, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1 .

It should be noted that these Modoc Natives were not arguing that Hood was not their delegate. In fact, Modoc participants throughout the investigation made it clear that the band appointed Charles Hood to help them return to Oregon and reenroll in the Klamath Agency. To them, the investigation focus was if Hood actually did his duty. Natives like Etta Stanley and Dollie Lawver testified that the band paid Hood to be their delegate and help them get back to Klamath – not ask them for parts of their land in Oregon promised to them by Congress. This petition circulated by Hood – ensuring him fifteen percent of their land holdings on the Klamath Reservation – clearly enraged or frustrated Oklahoma Modoc Natives, especially since many of the witnesses testified they did not promise him any land.[300]

Alice Lawver, who was Ben Lawver's widow, along with Annie Spicer and Eliza Lawver mentioned an important detail that confirmed members' hostility towards Hood. According to Alice, after Charles returned to Oklahoma after his second trip to Washington, D. C. in 1903, he got into a fight with the band, and then abandoned them in Oklahoma while he moved back to Oregon with his family that same year. Alice believed that Hood should not be reimbursed for his services to the band because he left them behind in the Southwest while he and his family moved back to Oregon years before the federal government reenrolled the Modoc band in the Klamath Agency in 1909. Alice even told Hood to his face when he questioned her: "you know you deserted the people when you came out here." Eliza Lawver further confirmed Hood's abandonment of the

[300] Daniel Clinton, 15, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1; Minnie Snyder Robbins, 27, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1.

tribe in her testimony, where she stated that "He got mad and came away from where we lived. He came to the Klamath Reservation." Annie Spicer also testified that Hood left for Oregon before the United States reenrolled the band in the agency. As Alice put it, Hood did not deserve any more money than what he was originally paid to do, and he abandoned his duty as the band's delegate.[301]

Some of the Modoc believed that other people brought the band back to Oregon, which included their community as well as other Natives and non-Natives. According to Annie Spicer and Eliza Lawver, it was Jesse Kirk – the Klamath reverend – who helped the band return to Oregon because he started the process by traveling to Washington, D. C. and then writing to the band about a potential return. Jennie Clinton also testified that Kirk helped the band return to Oregon, and mentioned in her own words that she "came out here at the request of Mr. Jesse Kirk." She pointed out another important detail: Ben Lawver, the laGi of the Modoc band in Indian Territory, helped the band return to Oregon by writing to Washington, D. C. to see if they could have their rights restored under the Treaty of Council Grove of 1864.[302] Jennie's testimony revealed that Modoc Indians worked their way back to the Pacific Northwest. Daniel Clinton confirmed Jennie's testimony when he told the investigators that he made it to Oregon "on my own

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[301] Alice Lawver, 22, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1; Eliza Lawver, in *Letter from the Secretary of the Interior, Transmitting Pursuant to Law, a Communication submitting a Report of an Investigation of the Claim of Charles Hood, Half-Blood Modoc Indian, for Payment for Alleged Services Performed by Him*, 66th Congress, 2nd Session, Document no. 183, Senate Documents Vol. 14 (Washington, D. C.: Government Printing Office, 1920), 25, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1; Annie Spicer, 7, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1.

[302] Jennie Clinton, 13, 14, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1.

money."[303] Clinton shined more light on Modoc agency when he added that Bill Lawver, a relative of Ben Lawver, told Charles to be the band's delegate and contributed money to his travels. Daniel Clinton further testified that Jesse Kirk helped the band return to the Pacific Northwest, thus confirming Jennie, Eliza, and Annie's testimonies. He mentioned that a lawyer named Jack Fisher traveled to Oklahoma to tell the band he could help them return to Oregon, although Annie Spicer and the Modoc who remained in Oklahoma fiercely contested this claim (they argued he did nothing for the band).[304] His brother Samuel also confirmed Jennie, Eliza, and Annie's testimonies that Kirk wrote to the band about their potential reenrollment. Alice mentioned that two other lawyers, Walter Fields and Judge D. A. Halves helped the Modoc band return to the Pacific Northwest. Overall, these testimonies depicted a more complicated narrative of the Modoc's return to Oregon: one where Modoc, Klamath, and non-Natives worked to get the band reenrolled in the Klamath Agency. This narrative further illustrated the agency of the Modoc band in that it showed that Modoc Indians themselves worked to make their way back into the Klamath Agency.

When Hood and the federal investigators questioned these Natives about the potential reimbursements, they told Hood he did nothing to help them and that they did not remember signing anything. In fact, Daniel Clinton, the brother of delegate Samuel

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[303] Daniel Clinton, 14, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1.
[304] "We the undersigned Modoc Indians," December 13, 1919, *in Letter from the Secretary of the Interior, Transmitting Pursuant to Law, a Communication submitting a Report of an Investigation of the Claim of Charles Hood, Half-Blood Modoc Indian, for Payment for Alleged Services Performed by Him*, 66th Congress, 2nd Session, Document no. 183, Senate Documents Vol. 14 (Washington, D. C.: Government Printing Office, 1920), 8, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1.

Clinton, told Hood to his face that "You folks had never done a thing."[305] As stated earlier, Eliza and Alice Lawver, as well as Annie Spicer, straight up told Hood he abandoned his community and did not deserve a single more cent than originally paid. Other Modoc Indians like Matilda Miller testified that they did not sign any paper legally authorizing Hood to be the band's leader. In fact, Modoc Indians who took part in the investigation gave different responses to Hood's petition asking for fifteen percent of their landholdings in Oregon, as well as the first petition granting him power of attorney over the band. When Hood or the officials overseeing the investigation presented the petitions to the witnesses, some of them recognized their signatures. Other witnesses testified that they did not recognize what the document meant, nor did they understand it until the day of the investigation. The Modoc Indians who remained in Oklahoma in particular denied ever signing the petition asking for fifteen percent of promised reservation land.[306]

It was not that these Natives did not want Hood to be paid – they argued he had already done his duty and was paid for that. Modoc Indians like Etta Stanley and Matilda Miller testified that they and other members of the Modoc band paid Hood to travel to Oregon and Washington, D. C. as their delegate. These Natives further chipped in money to help care for Hood's family while he traveled to the Pacific Northwest and the East Coast. However, as the Indians who testified explained, they paid only for his trips and

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[305] Danuel Clinton, 15, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1.
[306] Henry Hudson, 26-7, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1; Amos S. Kist, 276/34, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1 ; Alice Lawver, 267, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1 ; Minnie Snyder Robbins, 28, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1; "We the undersigned Modoc Indians," December 13, 1919, 8, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1.

family care, and did not give him parts of their promised land on the Klamath Reservation. As Annie Spicer put it, "He has been paid all that was ever promised him."[307] Indeed, the band paid him his promised amount – no more, no less.

While many Modoc Natives criticized Hood for his leadership, other members of the Native band believed Hood should be further reimbursed because he did help them return to Oregon. According to Samuel Clinton, the Modoc Indians who signed the petition granting Hood fifteen percent of their land should pay Hood since he "labored for their interests." While Clinton did not sign it, he still believed that anyone who did should pay what was promised to Hood. Compared to most of the Modoc who testified, Clinton believed that Hood did help the band return to Oregon since he traveled to Oregon and Washington, D. C. as their delegate. In his own words regarding Hood, "I received my rights through his efforts."[308] Having been up close with Hood on their diplomatic trip to

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[307] Minnie Synder Robbins, *Letter from the Secretary of the Interior, Transmitting Pursuant to Law, a Communication submitting a Report of an Investigation of the Claim of Charles Hood, Half-Blood Modoc Indian, for Payment for Alleged Services Performed by Him*, 66th Congress, 2nd Session, Document no. 183, Senate Documents Vol. 14 (Washington, D. C.: Government Printing Office, 1920), 27, 28, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1; Etta Stanley, *Letter from the Secretary of the Interior, Transmitting Pursuant to Law, a Communication submitting a Report of an Investigation of the Claim of Charles Hood, Half-Blood Modoc Indian, for Payment for Alleged Services Performed by Him*, 66th Congress, 2nd Session, Document no. 183, Senate Documents Vol. 14 (Washington, D. C.: Government Printing Office, 1920), 9, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1; Cora Hayman, *Letter from the Secretary of the Interior, Transmitting Pursuant to Law, a Communication submitting a Report of an Investigation of the Claim of Charles Hood, Half-Blood Modoc Indian, for Payment for Alleged Services Performed by Him*, 66th Congress, 2nd Session, Document no. 183, Senate Documents Vol. 14 (Washington, D. C.: Government Printing Office, 1920), 10, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1; Annie Spicer, *Letter from the Secretary of the Interior, Transmitting Pursuant to Law, a Communication submitting a Report of an Investigation of the Claim of Charles Hood, Half-Blood Modoc Indian, for Payment for Alleged Services Performed by Him*, 66th Congress, 2nd Session, Document no. 183, Senate Documents Vol. 14 (Washington, D. C.: Government Printing Office, 1920), 8, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1.

[308] Samuel Clinton, 16, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1; Charles Hood, 20-1, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1; Lucinda Hood, 18-9, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1.

Oregon in 1903 convinced Clinton that Hood did help his community. Lucinda Hood, Charles' wife, also believed that her husband helped the band, and that he ought to be reimbursed because according to her, Hood drew up the power of attorney to represent the band. So not only did the band appoint Hood as their delegate to Oregon and Washington, D. C., but legally speaking he had to be reimbursed for his travel and work expenses. Indeed, Hood stood by her husband as other members accused him of leaving them behind in Oklahoma.

Another Modoc, Asa T. Miller, believed in his own words that while "these people should give liberal compensation," the "15% of the money and 20 acres of the land is too much." Miller also testified that Hood did help the band be reenrolled in the Klamath Agency, but also mentioned that other people aided in this endeavor, like Jack Fisher. In other words, it was a group effort to reenroll the Modoc band in the agency, and Hood contributed to this effort. Miller further mentioned that he would pay what he owed to Hood for his work, if Hood established his claim in what he termed "a right way."[309] Like Lucinda, Miller believed that legally speaking, Modoc Natives who signed the petition should pay Hood for his services since he became their leader. These testimonies illustrated that Hood maintained some support from the Modoc band, and that there were members who were willing to further reimburse him past his diplomatic duties.

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[309] Asa T. Miller, *Letter from the Secretary of the Interior, Transmitting Pursuant to Law, a Communication submitting a Report of an Investigation of the Claim of Charles Hood, Half-Blood Modoc Indian, for Payment for Alleged Services Performed by Him*, 66th Congress, 2nd Session, Document no. 183, Senate Documents Vol. 14 (Washington, D. C.: Government Printing Office, 1920), 18, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1.

In the end, the investigation ended without any major decisions or controversy. Franklin Lane, the Secretary of the Interior, concluded in his report that the band did not have to reimburse Hood for his services because Hood did not show the investigators any evidence that he was actually employed by the band. Walter West, the superintendent of the Klamath Agency during this time, pointed out that Hood never provided any evidence of his document guaranteeing his power of attorney over the band.[310] Due to this lack of evidence, gathered from the testimonies of Modoc Indians, Lane stated it would not be fair for the band to reimburse Hood. Interestingly, he noted in his report that back in 1911, when Hood circulated the petition for Modoc Indians to reimburse him for his services, the Superintendent of the Klamath Indian School in Oregon did not believe that Oklahoma Modoc Natives who returned to Oregon should have to reimburse Hood. While the superintendent did advise Hood that members of his community could pay him if they felt indebted for his services, this response from the superintendent indicated that even before the federal investigation in 1919, the federal government did not think the band had to reimburse Hood.[311] Not only that, but West also told Hood that Hood never presented the original petition granting him power of attorney, nor anything related to the petition. The testimonies of various Modoc witnesses supported this claim, in that some

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[310] Walter G. West to Honorable Commissioner of Indian Affairs, December 16, 1919, in *Letter from the Secretary of the Interior, Transmitting Pursuant to Law, a Communication submitting a Report of an Investigation of the Claim of Charles Hood, Half-Blood Modoc Indian, for Payment for Alleged Services Performed by Him*, 66th Congress, 2nd Session, Document no. 183, Senate Documents Vol. 14 (Washington, D. C.: Government Printing Office, 1920), 5, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1.

[311] Franklin Lane, January 26, 1920, in *Letter from the Secretary of the Interior, Transmitting Pursuant to Law, a Communication submitting a Report of an Investigation of the Claim of Charles Hood, Half-Blood Modoc Indian, for Payment for Alleged Services Performed by Him*, 66th Congress, 2nd Session, Document no. 183, Senate Documents Vol. 14 (Washington, D. C.: Government Printing Office, 1920), 3, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1.

of the witnesses did not recall seeing an exact petition by Hood, nor did they sign it, or that they thought they signed it but did not really know. Overall, the variety of responses indicated that Hood did ask for further reimbursements, but more so through word of mouth as opposed to a petition.[312]

Despite the conflict over Charles Hood, as well as tensions between Oregon and Oklahoma Modoc communities, over time things became peaceful again for the Modoc community. In the years since Clinton and Hood's diplomatic trip to the Klamath Reservation, Oregon Modoc and Oklahoma Modoc Indians settled together on the reservation. Some Oklahoma Modoc Indians like Daniel Clinton and Hood signed up for allotments in Oregon. These forms identified Oklahoma Modoc Natives not as members of the Modoc band/tribe, but as Indians of "the Klamath tribe or band." This illustrated that while they were Modoc through and through, politically speaking they were Klamath Indians since they were enrolled in the Klamath Tribe. Overall, they were Modoc Indians, but the United States saw them as Klamath Indians.[313]

As told by the story of the Modoc band's return to Oregon, tribal politics divided the band to some extent over who actually brought them back to the Pacific Northwest.

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[312] John Ball, 31-4, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1; Daniel Clinton, 14-5, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1; Amos S. Kist, 34-6, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1; Alice Lawver, "Additional Statement of Mrs. Alice Lawver," in *Letter from the Secretary of the Interior, Transmitting Pursuant to Law, a Communication submitting a Report of an Investigation of the Claim of Charles Hood, Half-Blood Modoc Indian, for Payment for Alleged Services Performed by Him*, 66th Congress, 2nd Session, Document no. 183, Senate Documents Vol. 14 (Washington, D. C.: Government Printing Office, 1920), 5, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1; Lane, January 26, 1920, in *Letter from the Secretary of the Interior*, 31, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1; Minnie Synder Robbins, 27-9, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1.

[313] Daniel Clinton, allotment patent 1009019, November 1, 1927; Charles Hood allotment patent 115435, March 10, 1910, and 1934; Theodore Stern, *The Klamath Tribe: A People and Their Reservation* (Seattle: University of Washington Press, 1965),138-9.

While the witnesses agreed that they appointed Charles Hood as their delegate to represent them, what divided the band somewhat was whether or not Hood deserved reimbursement beyond his promised pay for his diplomatic services. Hood then abandoned his community in Oklahoma while he left for Oregon in 1903, six years before the United States formally allowed the band to return to the Klamath Reservation. Not only that, but Oregon Modoc Natives did not at first welcome Oklahoma Modoc Indians back with open arms. Indeed, as Daniel Clinton and Hood testified Klamath and Oregon Modoc Indians lashed out at them when the two Modoc delegates met with Klamath tribal members over potentially bringing their band back from Oklahoma. This episode further illustrated that the Modoc band's reenrollment and return to Oregon was not easy because not everyone on the Klamath Reservation, including the Modoc who did not fight in the Modoc War, wanted the Oklahoma Modoc Indians back in the Pacific Northwest. However, tensions between both Modoc communities soothed as more Modoc Natives moved back to Oregon.

The biggest thing to take away from the story of Charles Hood is that Modoc Natives demonstrated their political agency by sending Hood as their delegate to Washington, D. C. and Oregon. As the witnesses testified, Modoc Natives funded trips for Hood to the East and West to negotiate with politicians and Natives, respectively, with their own money, and they negotiated with Jesse Kirk and other allies in their reenrollment in the Klamath Tribe. While Hood abandoned his community, for some time he represented the band as their diplomat, and his community recognized him as such. Hood's diplomacy illustrated the continuance of Modoc political traditions, which were

further demonstrated through the band's laGi Ben Lawver. Indeed, Lawver arranged meetings and appointed Hood, and also funded the diplomatic trips.

One final point to take away from this story is that the political influence of the Modoc band shifted to that of the larger Klamath Agency. According to Modoc testimonies, it was the work of Jesse Kirk, a Klamath, as opposed to Charles Hood, a Modoc, who brought the band back into the Klamath Agency. To be clear, and as the Modoc witnesses testified, Modoc Natives themselves made their way to Oregon and reenrolled in the Klamath Tribe by raising money for travel costs and cooperating with Kirk. Still, the fact that Kirk began the process of formally bringing the band back to Oregon while Hood left his community behind illustrated that major political influence in the band shifted to the Klamath Tribe, which could be seen when deciding upon issues like tribal government reform. Intriguingly, a Modoc Native would wield this power, and his name was Wade Crawford.

Chapter 7: A Different Kind of Leader: Wade Crawford, the Klamath Tribe, and the United States

After Congress reenrolled the Modoc band in the Klamath Tribe, the tribal nation assumed the diplomatic nation-to-nation relationship with the United States. One leader who maintained this diplomacy was Wade Crawford, a Klamath-Modoc tribal leader. In Oregon, Crawford rallied tribal members to adopt a constitution for the tribal nation, and in Washington, D. C., Crawford represented his community as an elected delegate. Then-Commissioner of Indian Affairs John Collier appointed him as the Superintendent of the Klamath Tribe, but most tribal members detested Crawford for his unprofessional behavior. Although Collier fired him in 1937, tribal members reelected Crawford as a delegate during the 1940s. He continued to negotiate for his nation, but also lobbied for its termination, which Congress carried out in 1954. As a result, the Modoc band in Oklahoma and the larger Klamath Tribe were terminated. Although not a member of Kintpuash's band, through his role and actions as an elected leader for the Klamath Tribe, Crawford continued Modoc political traditions.[314]

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[314] Act of June 18,1934 – Indian Reorganization Act; Constitution and Bylaws of the Klamath Business Committee of the Klamath Indian Reservation, approved November 22, 1929, in *Documents of Native American Political Development: 1500s-1933*, edited by David E. Wilkins (New York: Oxford University Press, 2009), 443-6; Statement of Ben F. Mitchell – Continued," February 18, 1935, *Hearings Before the Subcommittee on General Bills of the Committee on Indian Affairs House of Representatives, Seventy-Fourth Congress First Session on H. R. 7781 and Other Matters, February 11, 1935* (Washington: Government Printing Office, 1935), 146, https://babel.hathitrust.org/cgi/pt?id=mdp.35112104228327&seq=1; "Statement of Wade Crawford, Klamath, Oreg.," February 11, 1935, in *Hearings Before the Subcommittee on General Bills of the Committee on Indian Affairs House of Representatives, Seventy-Fourth Congress First Session on H. R. 7781 and Other Matters, February 11, 1935* (Washington: Government Printing Office, 1935), 5-8, https://babel.hathitrust.org/cgi/pt?id=mdp.35112104228327&seq=1; Theodore Stern, *The Klamath Tribe: A People and Their Reservation* (Seattle: University of Washington Press, 1965), 237; Constitution and Bylaws of the Klamath Business Committee of the Klamath Indian Reservation, approved November 22, 1929, in *Documents of Native American Political Development: 1500s-1933*, edited by David E. Wilkins (New York: Oxford University Press, 2009), 443-6; Hale Scarbrough, "Indians Map Anti-Liquidation Stand

The political history of the Klamath Tribe dates to 1864, when then-Superintendent of Indian Affairs for Oregon, J. W. Perit Huntington, planned to consolidate three Native communities on a reservation in Oregon. In a letter to Brigadier General Benjamin Adams of the United States Army, Huntington proposed moving Modoc, Klamath, and Yahooskin Paiute Indians near a reservation near Fort Klamath in Southern Oregon, if the United States could keep them under control.[315] Huntington's idea illustrated that he viewed Natives as wandering animals that had to be rounded up and herded together. One month later, acting Commissioner of Indian Affairs Charles Mix wrote to Huntington and instructed him and Austin Wiley, the Superintendent of Indian Affairs for California, to negotiate with the Modoc and Klamath Indians so the United States could remove them to a reservation to be assimilated. Huntington and Mix were not the first federal officials to suggest removing Modoc Indians to a reservation, as officials before them like Joel Palmer endorsed the forced removal of the Modoc to

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To Be Made At Congressional Hearing," *Herald and News* (Klamath Falls), August 1, 1947, 1, 6, https://oregonnews.uoregon.edu/lccn/sn99063813/1947-08-01/ed-1/seq-1/#words=Anti+Congressional+Hearing+Indians+Liquidation+Made+Map+Stand; An Act to provide for the termination of Federal supervision over the property of the Klamath Tribe of Indians located in the State of Oregon and the individual members thereof, and for other purposes, Public Law 587, (August 13, 1954); *Hearings before the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs, House of Representatives Eighty-Ninth Congress First Session on H. R. 907, H. R. 4964, and S. 664 To Provide for the Disposition of Judgment Funds of the Klamath and Modoc Tribes and Yahooskin Band of Snake Indians, and for other purposes, Hearings held in Washington, D. C., April 9; May 13 and 14; June 17 and 18; and August 13 and 18, 1965* (Washington, D. C.: Government Printing Office, 1965), 13; Lynn Schonchin, interview by Linc Kesler, October 19, 2002, Oral Narratives of the Klamath Termination: Individual Elders Reflect on Time and Change, First Nations and Indigenous Studies, University of British Columbia, Vancouver, British Columbia, Canada; "Crawford Bill not likely to pass Congress," *Herald and News* (Klamath Falls), October 30, 1945, 2, https://oregonnews.uoregon.edu/lccn/sn99063813/1945-10-30/ed-1/seq-2/#words=bill+BILL+Crawford+CRAWFORD.

[315] Huntington to Brig. Gen. Alvord, May 2, 1864, 836-7; Amos E. Rogers, "Notice of Indian Reservation," November 24, 1863, in *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* vol. 50, pt. 2, (1897; repr., Harrisburg: Historical Times, Inc., 1985), 837.

convert their homeland into farmland.[316] Yet what set Huntington apart from his predecessors was that he laid out a specific plan of removing Natives from their homelands and consolidating them on a reservation.

In October 1864, the Modoc, Klamath and Yahooskin Paiute Indians signed the Treaty of Council Grove with Huntington, which ceded the Native peoples' ancestral territories to the United States in exchange to live on the Klamath Reservation in Oregon. Although the reservation was located in Klamath territory, it was located far from Modoc and Paiute territories. Despite this, most of the Modoc moved to the reservation after signing the treaty. As for the Paiutes, many of them moved to the reservation, but a band left the reservation with their leader, Pauline. However, the band returned by 1869 and never left again.[317]

Although they came from different backgrounds, the Native communities lived with each other. In an oral history with the University of British Columbia, Klamath tribal member Morrie Jimenez described the reservation as "a diverse community of tribes that

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[316] Abbott to E. R. Geary, Esq., July 11, 1859, 436-7; Goodall to Col. Thos. J. Henley, August 30, 1856, 259; Mix to J. W. Perit Huntington, Esq., June 22, 1864, 112-4; Palmer to Hon. Geo. W. Manypenny, September 11, 1854, 263.

[317] Lindsay Applegate to Hon. H. W. Perit Huntington, August 6, 1866, in *Report of the Commissioner of Indian Affairs for the Year 1866* (Washington, D. C.: Government Printing Office, 1866), 90; *Report of the Commissioner of Indian Affairs, Made to the Secretary of the Interior, for the Year 1869* (Washington, D. C.: Government Printing Office, 1870), 155; Morrie Jimenez, , interview, Oral Narratives of the Klamath Termination: Individual Elders Reflect on Time and Change, University of British Columbia; Benj. Alvord to Lieut. Col. R. C. Drum, November 25, 1864, in *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* vol. 50, pt. 2, (1897; repr., Harrisburg: Historical Times, Inc., 1985), 1071-2; Alvord to J. W. P. Huntington, November 25, 1864, 1072-3; J. W. Perit Huntington, December 10, 1864, in *Report for the Commissioner of Indian Affairs for the Year 1865* (Washington, D. C.: Government Printing Office, 1865), 101-4; Huntington, "Brief of treaty with Klamath and Modoc Indians of Southern Oregon of October 15, 1864," December 10, 1864, 104-5; "Treaty with the Klamath, Etc., 1864," 865-8; "Treaty with the Klamaths," *Marysville Daily Appeal* (Marysville, CA), November 4, 1864, 1.

were placed into a confederation to exist as a tribe."[318] The three main Native communities who lived on the reservation were the Modoc, Klamath, and Paiute Indians, and another group emerged as a distinct community: Pit River Indians from California. These Natives were captured as slaves by the Modoc and Klamaths during their raids on the Pit River people before the Treaty of Council Grove. These Indians grew up as adopted members of their captive families, and over time intermarried with other Native communities. Eventually, some Pit River Natives began calling themselves "Klamaths," which indicated a unified Indigenous identity.[319] In fact, over time many of the Natives started referring to themselves as "Klamaths" as they intermarried with each other, especially the Modoc and Klamath Indians. Originally life-long rivals, the two Native peoples made peace with each other. According to Morrie Jimenez, these Natives got along "because our traditional way of socializing included a tremendous need to coalesce our efforts in an effort to protect what we thought we wanted to protect: our resources, language, customs, traditions, and that type of thing."[320] Indeed, Klamath, Modoc, and Paiute Indians stuck together for survival.

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[318] Morrie Jimenez, November 12, 2002, interview, Oral Narratives of the Klamath Termination: Individual Elders Reflect on Time and Change, First Nations and Indigenous Studies, University of British Columbia, Vancouver, British Columbia, Canada.

[319] E. L. Applegate to the Commissioner of Indian Affairs, August 30, 1890, in *Fifty-Ninth Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior 1890* (Washington, D. C.: Government Printing Office, 1890), 204; Morrie Jimenez, September 16, 2002, interview, Oral Narratives of the Klamath Termination: Individual Elders Reflect on Time and Change, First Nations and Indigenous Studies, University of British Columbia, Vancouver, British Columbia, Canada; Morrie Jimenez, November 12, 2002, interview Oral Narratives of the Klamath Termination: Individual Elders Reflect on Time and Change, First Nations and Indigenous Studies, University of British Columbia, Vancouver, British Columbia, Canada; David W. Matthews to the Commissioner of Indian Affairs, August 4, 1891, in *Sixtieth Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior 1891* (Washington, D. C.: Government Printing Office, 1891), 372.

[320] Morrie Jimenez, September 16, 2002, interview by Linc Kesler, Oral Narratives of the Klamath Termination: Individual Elders Reflect on Time and Change, First Nations and Indigenous Studies, University of British Columbia, Vancouver, British Columbia, Canada

Joseph Emery, the Indian agent for the Klamath Tribe during the late nineteenth century, consistently noted in his reports to the Commissioner of Indian Affairs that Modoc and Klamath Indians intermarried with each other so much that he could not separate them when he conducted his census rolls for the agency. His reports revealed that the Modoc and Klamath tribal communities became more blended over the course of the late nineteenth century. It was not just Modoc and Klamath Indians who intermarried with each other. In fact, these two communities and the Pit River and Paiute communities all intermarried with one another. Eventually, these intermarriages among the various Native communities led to a unified Klamath identity. This is not to say that Modoc and Pit River identities faded – they were very much still alive as reports noted – but what happened was that Natives on the reservation identified themselves with their personal communities and one large Klamath one.[321]

For the Modoc, the reservation became their new home. Indeed, while Kintpuash took his band to Lost River in 1865 and 1870, most of the Modoc remained on the reservation. These Modoc looked to Old Schonchin as their leader – the other Modoc laGi who signed the Valentine's Day Treaty with Kintpuash and other Natives in

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[321] Joseph Emery to the Commissioner of Indian Affairs, August 10, 1886, *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1886* (Washington, D. C.: Government Printing Office, 1886), 212; Joseph Emery to the Commissioner of Indian Affairs, August 20, 1887, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior The Year 1887* (Washington, D. C.: Government Printing Office, 1887), 186; Joseph Emery to the Commissioner of Indian Affairs, August 15, 1888, in *Fifty-Seventh Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior 1888* (Washington, D. C.: Government Printing Office, 1888), 206; Joseph Emery to the Commissioner of Indian Affairs, August 10, 1889, in *Fifty-Eighth Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior 1889* (Washington, D. C.: Government Printing Office, 1889), 270; David W. Matthews to the Commissioner of Indian Affairs, August 4, 1891, in *Sixtieth Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior 1891* (Washington, D. C.: Government Printing Office, 1891), 372.

February 1864. He served as the reservation Modoc's leader until his death in the 1890s.[322] The Modoc primarily lived at Yainax, a subagency located in the southern part of the reservation. The government established Yainax in 1869 to house the removed Paiutes, but Modoc Indians also made it their home. In an oral history with the University of British Columbia, Morrie Jimenez explained that Modoc and Paiutes lived in the "Eastern part" of the reservation because it "was more similar to where they came from, high plateau region" that had "a little more arid climate." As Jimenez explained, Modoc and Paiutes made Yainax their home because it resembled their ancestral homelands. Geographically speaking, the subagency was also closer to the two Native communities' homelands, so living there made sense to them.[323]

The Oregon Modoc lived like the Modoc on the Quapaw Agency. Like the Modoc in Indian Territory, Oregon Modoc Natives supported themselves by raising livestock and

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[322] L. Applegate to Hon. A. B. Meacham, June 30, 1869, in *Report of the Commissioner of Indian Affairs Made to the Secretary of the Interior for the Year 1869* (Washington, D. C.: Government Printing Office, 1870), 176; "Reminiscence of a Modoc Indian, Portland Oregonian, editorial," *Valley Record* (Ashland), September 15, 1892, 1; L. S. Dyar to Hon. Edward P. Smith, August 31, 1875, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of Indian Affairs for the Year 1875* (Washington, D. C.: Government Printing Office, 1875), 348; *Sixty-First Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior 1892* (Washington: Government Printing Office, 1892), 411; E. W. Potter, D. Kean, and E. S. Steele, *To the Indians now assembled*, February 14, 1864, in *Annual Report of the Commissioner of Indian Affairs for the Year 1864* (Washington, D. C.: Government Printing Office, 1865), 109-110; E. J. Steele to Dear Brother, May 26, 1873, in *Official Copies of Correspondence Relative to the War with Modoc Indians*, 1872-3, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 304; Schonchin is identified as "Skoutian" in Applegate's report for 1869.

[323] L. S. Dyar to Hon. E. P. Smith, September 1, 1873, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1873* (Washington, D. C.: Government Printing Office, 1874), 324; Morrie Jimenez, interview by Linc Kesler, November 12, 2002, Oral Narratives of the Klamath Termination: Individual Elders Reflect on Time and Change, First Nations and Indigenous Studies, University of British Columbia, Vancouver, British Columbia, Canada; O. C. Knapp, to Hon. E. S. Parker, September 5, 1870, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1870* (Washington, D. C.: Government Printing Office, 1870), 68; A. B. Meacham to Hon. Commissioner of Indian Affairs, in *Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1871* (Washington: Government Printing Office, 1872), 300.

crops. These Modoc and other Indians became known for their large horse herds, and also raised cattle. Like their kinsmen in Indian Territory who were praised for their herding skills, the Modoc on the Klamath Reservation became successful herdsmen. Unlike the Modoc in the Southwest, the Modoc in Oregon had trouble growing crops because of the cold climate. Although Modoc Natives on the Klamath Reservation planted as many crops as they could, frost often killed their crops as soon as summer emerged. While Modoc Natives on the Quapaw agency did have trouble growing crops at times because of hot weather or poor soil conditions, they managed to raise a variety of plants, vegetables, and fruits. They even managed to grow enough to sell in towns near the agency, which reflected their socioeconomic mobility.[324]

Like the Modoc in Indian Territory, Oregon Modoc Indians found ways to improve their socioeconomic mobility. Modoc from the Klamath Reservation sold cattle to outside markets and worked for outside parties, which paralleled Modoc entrepreneurs in the Southwest.[325] Modoc Indians also traveled to Ashland, Oregon for supplies, which paralleled the Modoc band traveling to Seneca and Baxter Springs for supplies. These

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[324] Doane to the Commissioner of Indian Affairs, August 26, 1896, 144; Dyer to the Commission of Indian Affairs, August 16, 1883, 83; L. S. Dyar to T. B. Odeneal. Esq., August 31, 1872, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1872* (Washington, D. C.: Government Printing Office, 1872), 373; Dyar to Hon. E. P. Smith, September 1, 1873, 323-4; Joseph Emery to the Commissioner of Indian Affairs, August 10, 1886, *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1886* (Washington, D. C.: Government Printing Office, 1886), 212; Knapp, to Hon. E. S. Parker, September 5, 1870, 69.

[325] Linus M. Nickerson to the Commissioner of Indian Affairs, July 7, 1879, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1879* (Washington, D. C.: Government Printing Office, 1879) 126; Linus M. Nickerson to the Commissioner of Indian Affairs, July 27, 1882, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1882* (Washington, D. C.: Government Printing Office, 1882) 136; Linus M. Nickerson to the Commissioner of Indian Affairs, August 10, 1883, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1883* (Washington, D. C.: Government Printing Office, 1883), 129.

trips to Ashland modeled earlier Modoc journeys to towns like Yreka, California, and Jacksonville, Oregon, where Modoc Indians worked for or traded with settlers.[326] Like the Modoc who hauled freight for the Quapaw Agency, Modoc Natives in Oregon also worked as teamsters for the Klamath Agency. These Modoc Indians hauled supplies to the agency from Alger in Northern California to Oregon.[327] Interestingly, like the Indian agents for the Quapaw Agency who called the band "industrious" in their reports, Applegate in his report for 1901 called the Modoc, Klamath, and Pit River Indians "our most industrious Indians."[328] Like their fellow Modoc in the Southwest, the Modoc Natives who remained in the Northwest worked hard and improved their socioeconomic mobility.

Oregon Modoc Natives especially took advantage of the supply of timber resources. In his report for 1866, Lindsay Applegate noted that the region encompassing the Klamath Agency and reservation was full of "fine timber."[329] Modoc and other

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[326] Huntington to Hon. William P. Dole, September 28, 1863, 55; Hurtado, "The Modocs and the Jones Family Indian Ring," 95; Nickerson to the Commissioner of Indian Affairs, July 27, 1882, 136; Riddle, *Indian History*, 31-2.

[327] O. C. Applegate to the Commissioner of Indian Affairs, October 14, 1901, in *Annual Reports of the Department of the Interior for the Fiscal Year Ended June 30, 1901: Indian Affairs Part I – Report of the Commissioner, and Appendixes* (Washington, D. C.: Government Printing Office, 1902), 348; Applegate to Commissioner of Indian Affairs, September 10, 1902, 314; Joseph Emery to the Commissioner of Indian Affairs, August 25, 1897, in *Annual Reports of the Department of the Interior for the Fiscal Year Ended June 30, 1897 – Report of the Commissioner of Indian Affairs* (Washington, D. C.: Government Printing Office, 1897), 251; Marshall Petet to the Commissioner of Indian Affairs, September 1, 1895, in *Annual Report of the Commissioner of Indian Affairs 1895* (Washington, D. C.: Government Printing Office, 1896), 269.

[328] Applegate to the Commissioner of Indian Affairs, October 14, 1901, 348; Moore to the Commissioner of Indian Affairs, August 13, 1890, 84; Summers to the Commissioner of Indian Affairs, August 30, 1886, 140.

[329] E. L. Applegate to the Commissioner of Indian Affairs, August 30, 1890, in *Fifty-Ninth Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior 1890* (Washington, D. C.: Government Printing Office, 1890), 204; Applegate to Hon. H. W. Perit Huntington, August 6, 1866, 89; Nickerson to the Commissioner of Indian Affairs, July 27, 1882, 37; Stern, *The Klamath Tribe*, 61-3.

Indians used timber to build homes and sold it to outside companies. Natives processed their timber at the two sawmills on the reservation – one at the Yainax subagency and one on the Klamath agency.[330] In an oral history with the University of British Columbia in late 2002, Klamath tribal member Modesto Jimenez mentioned that the reservation "had one of the richest Ponderosa pine stands in whole United States, worth millions. And we earned a living off the revenues from the timber."[331] Morrie Jimenez, another tribal member, affirmed that timber "helped sustain our people.[332] Indeed, timber provided Klamath tribal members significant socioeconomic opportunities.

Like Modoc children in Indian Territory/Oklahoma, Modoc children in Oregon were sent to boarding school. These Modoc and other Native students attended Yainax boarding School, although some Modoc children attended the Klamath Indian school.[333] The government opened the Klamath boarding school in 1873, and the Yainax School in 1884. Like the Quapaw Mission and Seneca Indian schools, the Yainax school followed a gendered curriculum, where Native boys learned industrial and agricultural arts while Native girls learned the domestic arts. In 1907, the boarding school was converted to a

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[330] L. S. Dyar to Hon. Edward P. Smith, August 31, 1875, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of Indian Affairs for the Year 1875* (Washington, D. C.: Government Printing Office, 1875), 347.
[331] Modesto Jimenez, October 19, 2002, interview by Linc Kesler, Oral Narratives of the Klamath Termination: Individual Elders Reflect on Time and Change, University of British Columbia.
[332] Morrie Jimenez, September 3, 2002, interview by Linc Kesler, Oral Narratives of the Klamath Termination: Individual Elders Reflect on Time and Change, First Nations and Indigenous Studies, University of British Columbia, Vancouver, British Columbia, Canada
[333] W. J. Carter to Joseph Emery, "Report of Superintendent of Klamath School," September 17, 1896, in *Annual Report of the Commissioner of Indian Affairs 1896* (Washington, D. C.: Government Printing Office, 1896), 275.

day school, and most Native children began attending public schools after the town of Sprague River was founded.[334]

Like the Modoc in Indian Territory, Modoc and other Natives in Oregon took up allotments. According to Joseph Emery in his report for 1889, after he explained

[334] Applegate to the Commissioner of Indian Affairs, August 30, 1890, 205; Knott C. Egbert to the Superintendent of Indian Schools, "Report of Superintendent of Yainax School," July 28, 1897, in *Annual Reports of the Department of the Interior for the Fiscal Year Ended June 30, 1897 – Report of the Commissioner of Indian Affairs* (Washington, D. C.: Government Printing Office, 1897), 253; L. S. Dyar to the Commissioner of Indian Affairs, September 1, 1874, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1874* (Washington, D. C.: Government Printing Office, 1874), 319; Knott C. Egbert to the Superintendent of Indian Schools, "Report of Superintendent of Yainax School," July 1, 1898, in *Annual Reports of the Department of the Interior for the Fiscal Year Ended June 30, 1898 – Report of the Commissioner of Indian Affairs* (Washington, D. C.: Government Printing Office, 1898), 258; Knott C. Egbert to O. C. Applegate, "Report of the Superintendent of Yainax School," July 1, 1899, in *Annual Reports of the Department of the Interior for the Fiscal Year Ended June 30, 1899 – Indian Affairs Part I* (Washington, D. C.: Government Printing Office, 1899), 317; Knott. C. Egbert to O. C. Applegate, "Report of Superintendent of Yainax School," July 3, 1900, in *Annual Reports of the Department of the Interior for the Fiscal Year Ended June 30, 1900 – Indian Affairs – Report of Commissioner and Appendixes* (Washington, D. C.: Government Printing Office, 1900), 360; Joseph Emery to the Commissioner of Indian Affairs, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1886* (Washington, D. C.: Government Printing Office, 1886), 213; Joseph Emery to the Commissioner of Indian Affairs, August 10, 1889, in *Fifty-Eighth Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior 1889* (Washington, D. C.: Government Printing Office, 1889), 271; Joseph Emery to the Commissioner of Indian Affairs, August 25, 1897, in *Annual Reports of the Department of the Interior for the Fiscal Year Ended June 30, 1897 – Report of the Commissioner of Indian Affairs* (Washington, D. C.: Government Printing Office, 1897), 251; James, *Modoc*, 232; J. C. Levengood to the Commissioner of Indian Affairs, "Report of Superintendent of Yainax School," June 30, 1901, in *Annual Reports of the Department of the Interior for the Fiscal Year Ended June 30, 1901 – Indian Affairs Part I – Report of the Commissioner, and Appendixes* (Washington, D. C.: Government Printing Office, 1902), 349; Nickerson to the Commissioner of Indian Affairs, August 10, 1883, 128; Linus M. Nickerson to the Commissioner of Indian Affairs, August 16, 1884, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1884* (Washington: Government Printing Office, 1884), 142-3; Matthews to the Commissioner of Indian Affairs, August 4, 1891, 373; David W. Matthews to the Commissioner of Indian Affairs, August 15, 1892, in *Sixty-First Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior 1892* (Washington, D. C.: Government Printing Office, 1892), 412; David W. Matthews to the Commissioner of Indian Affairs, August 1893, in *Sixty-Second Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior 1893* (Washington, D. C.: Government Printing Office, 1893), 268; David W. Matthews to the Commissioner of Indian Affairs, August 21, 1894, in *Annual Report of the Commissioner of Indian Affairs 1894* (Washington, D. C.: Government Printing Office, 1895), 264; Linus M. Nickerson to the Commissioner of Indian Affairs, August 20, 1885, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1885* (Washington, D. C.: Government Printing Office, 1885), 165; Levi F. Willits to the Superintendent of Indian Schools, "Report of Superintendent of Klamath School," June 30, 1894, in *Annual Report of the Commissioner of Indian Affairs 1894* (Washington, D. C.: Government Printing Office, 1895), 265-6.

allotments to Klamath tribal members, the Natives wanted to sign up for them. In 1897, federal officials began to survey and issue allotments to tribal members. However, the actual process of dividing up the reservation took longer than the Modoc reservation in Indian Territory because of two land disputes, one with the California and Oregon Land Company and one with the state of Oregon. The California and Oregon Land Company claimed allotted lands in the northern part of the reservation along an old military road, while Oregon claimed ownership of swamp land in the southern part of the reservation along the California-Oregon border. It would not be until 1906 when the disputes would be resolved, wherein the Supreme Court ruled against Oregon while the Secretary of the Interior exchanged the allotted lands with the company. Overall, the allotment of the Klamath Reservation took years to finalize.[335]

While Modoc Indians on the Klamath Reservation adopted agriculture, they and other Natives still engaged in traditional cultural practices. Firstly, Modoc Natives were horsemen before their removals to Oregon and Indian Territory/Oklahoma, as they sold captives for horses or worked as ranch hands. Not only that, but Modoc Indians raided settlers for horses before their removals, and the fact they continued to raise horses demonstrated cultural resilience.[336] This resilience could be further seen with Modoc and

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[335] O. C. Applegate to the Commissioner of Indian Affairs, August 30, 1898, in *Annual Reports of the Department of the Interior for the Fiscal Year Ended June 30, 1898 – Report of the Commissioner of Indian Affairs* (Washington, D. C.: Government Printing Office, 1898), 255; Emery to the Commissioner of Indian Affairs, August 10, 1889, 273; Matthews to the Commissioner of Indian Affairs, August 1893, 269; Emery to the Commissioner of Indian Affairs, August 25, 1897, 252; Stern, *The Klamath Tribe*, 132-3; Horace G. Wilson, August 9, 1906, in *Annual Reports of the Department of the Interior 1906 – Indian Affairs: Report of the Commissioner and Appendixes* (Washington: Government Printing Office, 1906), 332.
[336] Cothran, "Lúgsh and Laláki," 97-100, 105- 7; Maloney and Work, "Fur Brigade to the Bonaventura," 210-11, https://www.jstor.org/stable/25155793; Powers, *Tribes of California*, 254; 5; Boutelle, "Major Boutelle's Account," 270; "Indians in the North – Further Hostilities," *San Joaquin Republican*, October 10, 1856, 2; James, "Cheewa James Oral History," interview by California Museum, March 25, 2011,

other Klamath tribal members continuing traditional gathering. The Natives often gathered wo-cus, a pond lily seed and a primary Modoc and Klamath resource that the Natives had gathered since before the Americans. Reports as far back as 1867 detail that Modoc, Klamath, and other Natives gathered wo-cus (or "wokas") and other edible plants and roots while they raised crops and livestock. The fact that Modoc Natives became known for their livestock herds while they continued their traditional gathering demonstrated that they still maintained aspects of their culture.[337] In other areas, while most of the Indians on the agency adopted American clothing, Native women decorated their clothes with what one Indian agent called "native styles of ornament," which showed that Native women mixed American fashion with their own Indigenous styles.

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video, 3:01-28, https://www.youtube.com/watch?v=24xog279C78; Price to Capt. R. W. Kirkham, June 13, 1862, 1137-8; John B. Rohrer, Wm. Ritchie, Joseph Basey, [and 24 others] to Brig. Gen. E. V. Sumner, U.S. Army, June 10, 1861, 507-8; Ward, H. S. Bonette, M.D., and John H. Neale to Capt. George F. Price, 1139.

[337] Applegate to the Commissioner of Indian Affairs, August 30, 1890, 204; L. Applegate to Hon. J. H. Perit Huntington, June 20, 1867, in *Report on Indian Affairs by the Acting Commissioner, for the Year 1867* (Washington: Government Printing Office, 1868), 91; O. J. Applegate to the Commissioner of Indian Affairs, September 26, 1899, in *Annual Reports of the Department of the Interior for the Fiscal Year Ended June 30, 1899 – Indian Affairs Part I* (Washington, D. C.: Government Printing Office, 1899), 310; Emery to the Commissioner of Indian Affairs, August 10, 1886, 214; Joseph Emery to the Commissioner of Indian Affairs, August 20, 1887, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1887* (Washington, D. C.: Government Printing Office, 1887), 187; Joseph Emery to the Commissioner of Indian Affairs, August 15, 1888, in *Fifty-Seventh Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior 1888* (Washington, D. C.: Government Printing Office, 1888), 208; Emery to the Commissioner of Indian Affairs, August 10, 1889, 272; Emery to the Commissioner of Indian Affairs, August 25, 1897, 250-1; O. C. Knapp to Hon. E. S. Parker, September, 5, 1870, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1870* (Washington, D. C.: Government Printing Office, 1870), 69; Linus M. Nickerson to the Commissioner of Indian Affairs, July 7, 1879, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1879* (Washington, D. C.: Government Printing Office, 1879), 126; Linus M. Nickerson to the Commissioner of Indian Affairs, August 1, 1881, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1881* (Washington, D. C.: Government Printing Office, 1881), 144; Powers, *Tribes of California*, 255; J. H. Roork to the Commissioner of Indian Affairs, August 22, 1877, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1877* (Washington, D. C.: Government Printing Office, 1877), 172; J. H. Roork to the Commissioner of Indian Affairs, August 20, 1878, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1878* (Washington, D. C.: Government Printing Office, 1878), 114; Stern, "Klamath and Modoc," 449.

Not only that, but while Modoc and other Natives on the agency adopted Christianity, specifically Methodism, they spoke in their own languages at their services.[338] Indeed, Modoc Natives maintained cultural traditions and made accommodations to them.

Starting in the 1880s, Modoc Indians from Indian Territory moved back to the Klamath Reservation to escape the Territory's miserable climate and return to loved ones. These journeys continued into the early 1900s, and in 1909, Congress officially allowed the Modoc band to return to the reservation. Congress also reenrolled the band in the Klamath Tribe, which made them Klamath tribal members who had the same rights as other Indians of the Tribe.[339]

Despite being removed from their ancestral territories, Modoc Indians rebuilt their lives on the Klamath Reservation. Modoc Natives intermarried with other Natives and over time a collective Klamath identity emerged. Like their kinsmen in Indian Territory, Modoc Indians took advantage of socioeconomic opportunities to improve their lives, and made accommodations to their livelihoods while continuing cultural traditions. As a whole, Modoc Natives adapted to reservation life, and some became leaders for the Klamath Tribe.

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[338] Roork to the Commissioner of Indian Affairs, August 22, 1877, 172; Roork to the Commissioner of Indian Affairs, August 20, 1878, 114.

[339] Daniel Clinton, allotment patent 1009019, November 1, 1927, "Search – BLM GLO Records," General Land Office Records, Bureau of Land Management, US Department of the Interior, accessed April 3, 2025, https://glorecords.blm.gov/search/default.aspx; Charles Hood allotment patent 115435, March 10, 1910, and 1934, "Search – BLM GLO Records," General Land Office Records, Bureau of Land Management, US Department of the Interior, accessed April 3, 2025, https://glorecords.blm.gov/search/default.aspx; Samuel Clinton, "Statement of Samuel Clinton," November 12, 1919, in *Letter from the Secretary of the Interior*, 16, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1; Hood, "Statement of Charles S. Hood, November 12, 1919," in *Letter from the Secretary of the Interior*, 20, https://babel.hathitrust.org/cgi/pt?id=uc1.l0074124686&seq=1.

In the years after the allotment of their reservation, Klamath tribal members formed two governing bodies that dealt with matters surrounding their nation and the federal government. The first one was the general council, which discussed tribal matters. In 1908, tribal members formed a new executive body, which they called the tribal council. This council consisted of twelve Natives chosen by the tribe and met with the Indian agent assigned to them to negotiate Indian affairs. This was different from the general council because the tribal council managed both tribal matters and the tribe's relationship with the federal government. Indeed, the tribal council maintained diplomacy with the United States. Each of the four communities sent one or more Indians as their representatives: three Modoc Natives, seven Klamath Indians, and one Native from the Paiute and Pit River communities. This multitribal council reflected the diverse nature of the reservation community, in that the four Native communities sent one or more councilmembers from their respective communities to represent them. One Modoc Native whom tribal members picked to serve was Jefferson C. Davis Riddle, the son of Toby Riddle and cousin of Kintpuash, as well as the author of *The Indian History of the Modoc War and the Causes That Led to It*. Riddle's presence on the council illustrated that Modoc Natives participated in tribal politics.[340]

One Modoc Native who emerged as a leader for the tribe was Wade Crawford. Crawford was born on the Klamath Reservation in 1895 to William Crawford and Eliza

[340] "Klamath Indians Serve Council: Twelve Men Will Hereafter Conduct Business of the Tribes With Agent," *Sacramento Daily Union*, January 10, 1914, 7, https://cdnc.ucr.edu/?a=d&d=SDU19140110.2.126&srpos=5&e=-------en--20--1--txt-txIN-%22jeff+riddle%22-------1; Stern, *The Klamath Tribe*, 236-8.

Barclay. William was Modoc and white, while Eliza was Klamath and white.[341] William served as a tribal delegate to Washington, D. C. in November 1928, where he along with other tribal members like Levi Walker and Charles Hood testified to the Senate about living conditions on the reservation. Crawford testified about white ranchers' sheep overgrazing the land and companies undervaluing Klamath timber. According to Crawford, while he had been a stockman for most of his life, he had to quit because sheep owned by white ranchers had been overgrazing the reservation, which led to a loss of grass for Klamath cattle. This was a problem for the community because by this point, a significant number of tribal members were stockmen who raised cattle to support their community. They had to deal with sheep invading their grazing lands and ruining their resources, thus threatening their socioeconomic mobility.[342] The other Klamath delegates pointed out that these ranchers were outside stockmen whom the federal government allowed to lease reservation rangeland. According to D. W. Crawford, another delegate, the federal government leased tribal range to outside ranchers without the approval of the

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[341] "Discrimination Against Halfbreeds is Charge: Mandamus Proceedings are Started to Require School Board to Permit Breed Children in School," *Evening Herald* (Klamath Falls), September 28, 1912, 1, https://oregonnews.uoregon.edu/lccn/sn99063812/1912-09-28/ed-1/seq-1/#words=Against+Charge+Discrimination+Halfbreeds+Mandamus+Proceedings; "Married Today," *Evening Herald* (Klamath Falls), December 16, 1916, 4, https://oregonnews.uoregon.edu/lccn/sn99063812/1916-12-12/ed-1/seq-4/#words=Married+Today; Stern, *The Klamath Tribe*, 240; "Qualifications for Office Submitted by Crawford," *The News and the Herald* (Klamath Falls), February 11, 1938, 7, https://oregonnews.uoregon.edu/lccn/sn99063812/1938-02-11/ed-1/seq-7/#words=Crawford+Office+Qualifications+Submitted.

[342] Dyer to the Commission of Indian Affairs, August 16, 1883, 83; Emery to the Commissioner of Indian Affairs, August 10, 1886, 212; "Testimony of William Crawford," November 16, 1928, *in Hearings Before a Subcommittee of the Committee on Indian Affairs United States Senate Seventieth Congress Second Pursuant to S. Res. 79 A Resolution Directing the Committee on Indian Affairs of the United States Senate to make a General Survey of the Conditions of the Indians of the United States, Part I: Yakima, Wash., and Klamath Falls, Ore., November 12, 13, and 16, 1928* (Washington, D. C.: Government Printing Office, 1929) 258-62, 325-6, Google books.

tribal council.[343] These testimonies indicated that outside parties and the federal government undermined Klamath socioeconomic mobility.

Crawford also testified about timber companies undervaluing the price of timber. According to Crawford, companies sold tribal timber for less than its worth, which infuriated the Klamath because they knew the worth of their timber. As he revealed, companies stole tribal resources and undervalued them, thus threatening Klamath socioeconomic mobility. Crawford further explained that when and some of his fellow tribal members complained to the Commissioner of Indian Affairs, he literally told them "You people have no voice in your timber. I will sell the timber to whom I please." To make it more galling, the Commissioner then asked the Klamath Indians to apologize for talking to him about the issue.[344] Crawford's testimony clearly illustrated the paternalism of the federal government, in that government officials believed that Indians could not manage their own affairs. What made it more frustrating was that reports by Indian agents consistently noted that Klamath tribal citizens demonstrated that they could care for themselves. However, when it came to managing timber – a major socioeconomic resource for the Klamath Tribe – the federal government believed that Klamath Indians could not manage it.[345]

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[343] "Testimony of D. W. Crawford – Resumed," in *Hearings Before a Subcommittee of the Committee on Indian Affairs United States Senate Seventieth Congress Second Pursuant to S. Res. 79 A Resolution Directing the Committee on Indian Affairs of the United States Senate to make a General Survey of the Conditions of the Indians of the United States, Part I: Yakima, Wash., and Klamath Falls, Ore., November 12, 13, and 16, 1928* (Washington, D. C.: Government Printing Office, 1929), 355-6, Google books.
[344] "Testimony of William Crawford," November 16, 1928, in *Hearings*, 260-2, Google books..
[345] Lindsay Applegate to Hon. H. W. Perit Huntington, August 6, 1866, in *Report of the Commissioner of Indian Affairs for the Year 1866* (Washington, D. C.: Government Printing Office, 1866), 89; O. J. Applegate to the Commissioner of Indian Affairs, September 26, 1899, in *Annual Reports of the Department of the Interior for the Fiscal Year Ended June 30, 1899 – Indian Affairs Part I* (Washington, D. C.: Government Printing Office, 1899), 310; L. S. Dyar to Hon. Edward P. Smith, August 31, 1875, in

In the face of this paternalism, Crawford's son Wade had a solution. In 1929, Wade Crawford and the tribal council wrote a constitution for their new tribal government: the Klamath Business Committee. Crawford and his fellow tribal members formed this institution as a means to protect tribal members' civil and business rights. Although the tribe still maintained their general tribal council to manage tribal affairs, this Business Committee would serve as the tribe's executive governing body.[346]

The constitution outlined guidelines for the tribal nation and the Business Committee, especially political, economic, and social matters. According to Article 2 of the document, the business committee would serve the "business matters pertaining to the tribe" as a way for "promoting the social, financial, and industrial welfare and best interest of the Indians and protecting their rights." This article made it clear that the committee managed both the business and civil rights of the Klamath Tribe, and the best way to protect the civil rights of the Klamath Tribe would be through managing business affairs. In essence, protecting tribal business meant protecting tribal civil rights. This idea reflected his father's grievance of timber companies undervaluing reservation timber, so by codifying business rights into their constitution as a means of promoting the welfare of tribal members, the tribe found a way to connect it to and protect civil rights. The

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Annual Report of the Commissioner of Indian Affairs to the Secretary of Indian Affairs for the Year 1875 (Washington, D. C.: Government Printing Office, 1875), 347; Emery to the Commissioner of Indian Affairs, August 10, 1886, 214; Emery to the Commissioner of Indian Affairs, August 20, 1887, 187; Emery to the Commissioner of Indian Affairs, August 15, 1888, 208; Emery to the Commissioner of Indian Affairs, August 10, 1889, 272; Modesto Jimenez, October 19, 2002, interview by Linc Kesler, Oral Narratives of the Klamath Termination: Individual Elders Reflect on Time and Change, University of British Columbia; Stern, *The Klamath Tribe*, 152-3.

[346] Constitution and Bylaws of the Klamath Business Committee of the Klamath Indian Reservation, approved November 22, 1929, in *Documents of Native American Political Development: 1500s-1933*, edited by David E. Wilkins (New York: Oxford University Press, 2009), 443-6.

constitution also outlined leadership positions and responsibilities for the committee, as well as schedules for meetings and elections. While the title may have been "Business Committee," the tribal constitution clearly demonstrated that the governing body handled more than tribal business rights – it also outlined political affairs for the Klamath Tribe.[347]

The tribal constitution defined the Klamath Tribe's relationship with the United States. More specifically, the constitution defined a close relationship with the Commissioner of Indian Affairs, in that the Commissioner would be involved in major political decisions for the Klamath Tribe. According to Article 5, any filling of office vacancies "was subject to the approval of the Commissioner of Indian Affairs," and Article 11 stated that the Commissioner of Indian Affairs along with a majority vote of adult members of the tribal council approved of amendments for the constitution. Article 14 stated that the superintendent of the Klamath Tribe had to send a copy of meeting minutes to the Commissioner, and Article 17 stated that "any officer or member of the committee shall be subject to recall from office and membership for reasonable cause, upon proper investigation, by the committee or by the Commissioner of Indian Affairs." Lastly, Article 19 stated that any irregularities in elections had to be reported to the superintendent of the Tribe or the Commissioner of Indian Affairs. As these articles clearly demonstrated, although the constitution outlined self-government for the Klamath

[347] Constitution and Bylaws of the Klamath Business Committee, 443-6.

Tribe, the Commissioner of Indian Affairs was still heavily involved in Klamath tribal politics, especially when it came to political decisions like voting and membership.[348]

Crawford served as the first President of the Business Committee, and he attempted to go further with it in that he wanted to focus more on economic needs of the nation. During the early 1930s, he negotiated with Congress to introduce a bill that would convert the Klamath Tribe into a corporation, where Klamath tribal members would become stockholders who could transfer or sell shares to the Klamath Corporation. Crawford and his wife Ida, a fellow Klamath delegate, had actually approached Congress in 1927 about this possible incorporation as a means for the tribal nation to control its own resources, and he did it again after the tribe adopted their constitution. Crawford's attempts demonstrated that he believed Klamath tribal members would do better if they managed their own affairs. But as much as Crawford pushed for this idea, in the end Congress dropped the bill to incorporate the Klamath Tribe because some politicians as well as federal officials believed that the tribe could not yet govern themselves. Additionally, not all Klamath tribal members agreed with Crawford's idea, and the bill died.[349] This point in particular, that not all Klamath Indians wanted to incorporate, illustrated the diversity in political thought among the Klamath Tribe. Not only that, but the federal government's opposition to incorporation illustrated why Crawford fought for Klamath self-determination: to be free from government overreach of tribal affairs. Despite this setback for Crawford, his ambitions highlighted how much he believed in

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[348] Constitution and Bylaws of the Klamath Business Committee, 444-6.
[349] A Bill for the Incorporation of the Klamath Indian Corporation, and for other purposes, in *Documents of Native American Political Development: 1500s-1933*, edited by David E. Wilkins (New York: Oxford University Press, 2009), 454-7.

self-management for the Klamath Tribe, and that he thought like both a political leader and businessman.

Crawford's political work captured the attention of John Collier, the Commissioner of Indian Affairs during the Roosevelt Administration. After assuming his post, Collier appointed Crawford as the Superintendent of the Klamath Reservation on June 1, 1933. Intriguingly, Crawford previously recommended Collier as Commissioner of Indian Affairs to Walter Pierce, then-Governor of Oregon who served as a Congressman.[350] Collier obviously returned the favor by appointing Crawford to his position, and the two men worked together during Crawford's tenure as Superintendent of the Klamath Tribe. Throughout the 1930s, Crawford served as both a Klamath delegate to Washington, D. C. and Indian Services official, essentially serving as both a Native official and a federal official.

In the span of a few years, Crawford emerged as a key political leader for the Klamath Tribe. He led the effort in drafting the tribal nation's constitution in 1929, which affirmed business and civil rights of Klamath tribal members. He went further by negotiating directly with Congress to incorporate the Klamath Tribe into a corporation, which illustrated both his political and business leadership abilities. Although this effort failed, John Collier noticed Crawford's work and appointed him to lead his community as its Superintendent. Indeed, Crawford's ambitions for Klamath self-determination pre-destined the Indian Reorganization Act that would pass in 1934, a piece of legislation that

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[350] *Hearings before the Committee on Indian Affairs United States Senate Seventy-Fifth Congress First Session on the Dismissal of Wade Crawford, Superintendent Klamath Indian Reservation, Oreg. July 1, 2, and 8, 1937* (Washington, D. C.: Government Printing Office, 1940), 1, https://babel.hathitrust.org/cgi/pt?id=mdp.35112104228327&seq=1.

while rejected by the Klamath Tribe, actually shared some parallels with the nation's tribal constitution.

After Franklin D. Roosevelt assumed the Presidency, he appointed John Collier as the Commissioner of Indian Affairs in 1933. Collier was a passionate advocate for Indigenous rights, in which he believed that Native communities supported themselves better through their traditional cultural practices instead of assimilation. His ideas were influenced by the Pueblo and Navajo Indians when he lived for a period in New Mexico. He saw how these Native nations maintained their traditional communities and cultural practices. Collier saw the Pueblos and Navajo as models for other Native nations to follow, and embarked on a career as an advocate for Indigenous cultural traditions.[351]

But while Collier believed in Native rights, he held a romanticized view of Native peoples that froze them in time – one before Americans arrived in their homelands – and neglected to understand Indigenous accommodation and resilience. Indeed, he failed to understand how Indigenous communities responded to and adapted to challenges in their own ways, thus failing to acknowledge Indigenous agency. Not only that, but the Pueblos and Navajo were just some of many Native nations in the United States, and were much different from other Native nations. Although Collier failed to acknowledge this diversity, he pushed Congress to pass legislation that would bolster these nations and help them

[351] Kenneth R. Philp, *John Collier's Crusade for Indian Reform, 1920-1954* (Tucson: University of Arizona Press, 1977), 1-4, 24-5; Martha Weisiger, *Dreaming of Sheep in Navajo Country* (Seattle: University of Washington Press, 2009), 20, 22-3

rebuild their communities impacted by allotment, and his vision was realized on June 18, 1934, as the Indian Reorganization Act.[352]

The Wheeler-Howard Act, or Indian Reorganization Act (IRA), sought to dramatically revitalize Native nations across the United States. One of the most significant policies of the act was the end of the allotment, where it stated that the Secretary of the Interior had to restore any surplus tribal land to tribal ownership. Originally, the Dawes Act called for the sale of surplus or extra Native lands to be sold to non-Natives as a means to destroy tribal communities and steal their lands; now the act called for the restoration of Native land to Native ownership.[353] In terms of land, the IRA further gave the Secretary of Interior the power to proclaim new Indian reservations and establish guidelines for Native-appointed positions in government jobs. This provision further illustrated the IRA's goal of returning Native land back to its rightful owners. Another major cornerstone of the Indian Reorganization Act was a ten-million-dollar revolving fund, which Native nations could borrow from to develop social and economic programs for their communities. This was an opportunity for Native communities to revitalize socioeconomic mobility, as many of these communities had fallen into poverty because of allotment. Indeed, the federal government that had stolen land from tribal communities was now willing to lend money to these very communities to rebuild what the United States had undermined.[354]

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[352] Philp, *John Collier's Crusade*, 1-4, 24-5; Martha Weisiger, *Dreaming of Sheep in Navajo Country*, 20, 22-3.
[353] Act of June 18,1934 – Indian Reorganization Act, 73rd Cong., in *Oklahoma's Indian New Deal* by Jon S. Blackman (Norman: University of Oklahoma Press, 2013), 159-60.
[354] Act of June 18,1934 – Indian Reorganization Act, 162, 163.

The IRA further defined tribal sovereignty and how Native nations could restructure their communities to join the IRA. According to Section 16, tribal sovereignty was defined as "each Indian tribe" having the "inherent sovereign power to adopt governing documents under procedures other than those specified in this section," and further stated that "nothing in this Act invalidates any constitution or other governing document adopted by an Indian tribe after June 18, 1934." Section 16 also listed specific guidelines for how Native communities should organize themselves if they wanted to enroll in the IRA and borrow from the revolving fund. This right to organize centered around political sovereignty, more specifically an American (settler) interpretation of "sovereignty." According to this section, tribes had the right to adopt constitutions for their communities through a majority vote in an election determined by the Secretary of Interior. Tribes could then ratify these constitutions, where were to be determined and approved by the Secretary of the Interior. Native nations could then vote on their constitution and enroll in the IRA through majority vote.[355]

While many Native nations supported and enrolled in the IRA, not all tribal nations supported it. Some argued that it did not go far enough with self-rule, which was a very fair assessment considering the Secretary of Interior determined dates for elections and had to approve tribal constitutions. Other nations like the Navajo Nation outright rejected it because Collier's reforms significantly harmed their communities, especially his livestock reduction program that reduced Navajo livestock herds.[356] The Klamath

[355] Act of June 18,1934 – Indian Reorganization Act, 164-5.
[356] Kenneth R. Philp, "Termination: A Legacy of the Indian New Deal," *Western History Quarterly* 14, no. 2 (April 1983): 172, accessed May 13, 2024, https://www.jstor.org/stable/968814; Weisiger, *Dreaming of Sheep in Navajo Country*, 24-6, 64-5, 179.

Tribe also came out against the Indian Reorganization Act because according to Wade Crawford in a testimony to Congress from 1935, Klamath tribal members refused to vote on the bill since they saw it "would prevent their selling their inherited lands, their allotments." He added that "The Indians felt like they should have the right to sell those lands."[357] According to the IRA, any sale or exchange of land had to be overseen and approved by the Secretary of Interior, which illustrated that the federal government remained very much involved in tribal affairs. Crawford's comments highlighted the issue of allotment regarding the IRA: the government held Native lands in trust for a certain number of years before Natives could, and while Natives could now have their surplus lands restored, any sale or exchange of their lands had to be overseen by the federal government. For the Klamath Indians, who supported allotment, they wanted to have the right to do what they wanted with their lands.[358]

Indeed, Klamath tribal members demonstrated to Washington, D. C. that they could manage their own affairs. In addition to managing their own land, the tribe ratified their own constitution years before the Indian Reorganization Act. Interestingly, the Klamath constitution, which had been ratified years before the IRA, actually predestined key aspects of the bill. One section in particular was Article 11 of the tribal constitution. This article stated that the document would not go into effect until "approved by the majority vote of the adult members of a general tribal council, called for the purpose, and

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[357] *Hearings Before the Subcommittee on General Bills of the Committee on Indian Affairs House of Representatives, Seventy-Fourth Congress First Session on H. R. 7781 and Other Matters, February 11, 1935* (Washington: Government Printing Office, 1935), 2-3, https://babel.hathitrust.org/cgi/pt?id=mdp.35112104228327&seq=1.
[358] Act of June 18,1934 – Indian Reorganization Act, 159-61.

by the Commission of Indian Affairs and the business committee."[359] Like the IRA, Article 11 called for majority vote to approve of the constitution, but in this case majority vote applied only to voting members of the tribal council as opposed to the tribal community. Indeed, Section 16 of the IRA stated that adult members of a tribal community as opposed to just a selected body had the right to vote to approve a constitution and join the IRA. Despite these differences, Crawford was ahead of his time with the Klamath constitution because it mirrored aspects of the Indian Reorganization Act.[360]

As for the Modoc Indians who remained in Oklahoma, they were the only Native community on the Quapaw Agency not enrolled in the IRA. Since the Modoc band was legally part of the Klamath Tribe, their major political decisions were determined by the Klamath tribal council in Oregon and by Klamath delegates like Wade Crawford. However, all the other tribal nations surrounding the band enrolled in the Indian Reorganization Act after Congress passed the Oklahoma Indian Welfare Act in 1936, which extended the IRA to Oklahoma Native nations.[361]

As Collier promoted the Indian Reorganization Act, the Klamath Tribe rejected it along with other tribal nations like the Navajo Nation. The Klamath felt that they managed their own affairs without government intervention, especially over land. The tribe demonstrated that they had long adapted to allotment and other forms of pressured

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[359] Constitution and Bylaws of the Klamath Business Committee, 445.
[360] Act of June 18,1934 – Indian Reorganization Act, 164-5.
[361] Jon S. Blackman, *Oklahoma's Indian New Deal* (Norman: University of Oklahoma Press, 2013), 4-5; Theodore Haas, *Ten Years of Tribal Government Under the IRA* (Washington, D. C.: United States Indian Service, 1947), 28, 34.

assimilation by the United States, and the tribe further indicated they could blend their Indigenous cultural practices with (settler) American practices, as they demonstrated in their constitution. Wade Crawford emphasized this Klamath resilience as he negotiated with the federal government during his career as the Superintendent of the Klamath Tribe, but although he promoted himself as a leader who helped his nation, his fellow delegates and own community thought otherwise.

In February 1935, Wade Crawford and two other Klamath delegates testified to Congress about living conditions on the Klamath Reservation. These testimonies took place over the course of a week. Crawford testified about conditions on the reservation and his nation's objection to the IRA. Crawford explained Klamath opposition to the bill to the committee and discussed Native life on the reservation. According to Crawford, he described his fellow Klamath kinsmen as being in "exceptionally good condition" because under his watch as Superintendent, tribal members were given preference for lumber jobs, and found work with the Indian Division of the Civilian Conservation Corps, or CCC. Except for venereal diseases that plagued the tribal nation, Crawford explained that life was good for Indians on the Klamath reservation. Crawford explained that under his and Collier's watch, Collier ensured that Natives would be provided with jobs in their reservation communities. In fact, Crawford praised Collier for his work for the Klamath Tribe. Crawford mentioned that Collier helped Klamath Indians work with their lands and make their own decisions in terms of property, as well as "hold important

decisions."[362] Crawford's comments illustrated that he and Collier had developed a professional relationship with each other, and his testimony highlighted his work for his tribal nation.

But while Crawford supported John Collier, Klamath tribal leaders and members opposed Collier and Crawford, as Levi Walker and Ben Mitchell testified. Walker and Mitchell served as Klamath delegates to Washington, D. C. and also served as Chairman of the Klamath Business Committee and President of the General Council, respectively. Walker and Mitchell testified about tribal opposition to Crawford and told a story of Klamath anger towards him.[363]

According to Mitchell, a few weeks after Collier appointed Crawford as Superintendent, Klamath tribal members circulated and signed a petition that would remove Crawford from his position because they believed he never actually helped with his community. Mitchell even submitted this petition to the federal government, which he explained to the congressmen during testimony. Mitchell pointed out that if a tribal member came to Crawford for financial help, he refused them if they did not cooperate with him. He further mentioned that at council meetings, Crawford acted suspiciously around council members and carried a gun with him. Mitchell's comments presented a

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[362] "Statement of Wade Crawford, Klamath, Oreg.," February 11, 1935, in *Hearings*, 5-8, https://babel.hathitrust.org/cgi/pt?id=mdp.35112104228327&seq=1.
[363] "Statement of Ben F. Mitchell – Continued," February 18, 1935, in US House of Representatives *Hearings Before the Subcommittee on General Bills of the Committee on Indian Affairs House of Representatives, Seventy-Fourth Congress First Session on H. R. 7781 and Other Matters, February 11, 1935* (Washington: Government Printing Office, 1935), 153-6, https://babel.hathitrust.org/cgi/pt?id=mdp.35112104228327&seq=1.

much different picture of Crawford: a man who scared his own community and refused to work with them unless they worked with him.[364]

Walker testified that Klamath tribal members were also against Crawford being their superintendent because of Crawford's actions as president of the business committee and superintendent. In addition to his unprofessional character and hostility towards his fellow tribal members, Crawford opposed a bill that tribal members supported. According to Walker, the bill would have allowed the Secretary of Interior to modify "existing timber contracts" with timber companies, and the bill would have restored revenue from timber prices that had been previously reduced. Even though the tribe and the tribal council supported the bill, Crawford opposed it as their superintendent. Although he fought with the tribe over it, in the end Congress passed the bill.[365]

Crawford's opposition highlighted growing dissent among the Klamath Tribe over their tribal leader, and his actions greatly angered his community enough that they wanted him removed from office. In 1933, Klamath tribal members circulated and signed a petition Mitchell testified about to Congress. But when Crawford learned of this

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[364] "Statement of Levi Walker, Klamath Indians – Continued," February 11, 1935, in US House of Representatives *Hearings Before the Subcommittee on General Bills of the Committee on Indian Affairs House of Representatives, Seventy-Fourth Congress First Session on H. R. 7781 and Other Matters, February 11, 1935* (Washington: Government Printing Office, 1935), 126-8, https://babel.hathitrust.org/cgi/pt?id=mdp.35112104228327&seq=1; "Statement of Ben F. Mitchell, Representing the Klamath Indians," February 15, 1935, in US House of Representatives *Hearings Before the Subcommittee on General Bills of the Committee on Indian Affairs House of Representatives, Seventy-Fourth Congress First Session on H. R. 7781 and Other Matters, February 11, 1935* (Washington: Government Printing Office, 1935), 133-5, https://babel.hathitrust.org/cgi/pt?id=mdp.35112104228327&seq=1.

[365] "Statement of Levi Walker, Klamath Indians - Continued," February 11, 1935, in *Hearings Before the Subcommittee on General Bills of the Committee on Indian Affairs House of Representatives, Seventy-Fourth Congress First Session on H. R. 7781 and Other Matters, February 11, 1935* (Washington: Government Printing Office, 1935), 126-8, https://babel.hathitrust.org/cgi/pt?id=mdp.35112104228327&seq=1.

petition, he demanded to know which tribal members wanted him fired, and he took the document and locked it up to keep other Natives from signing it. However, he surrendered it to Toy Brown, a Klamath Native, who then gave it to Mitchell. Crawford's actions supported tribal delegates and members' claims of Crawford's hostile attitude toward his own community.[366]

Mitchell also testified that Crawford mismanaged timber and health concerns on the reservation. Mitchell explained that Crawford violated a federal law from 1933 that stated no sale of Native timber on the Klamath Reservation could be made without the approval of the tribe's council, in that Crawford made a contract with a timber company without the approval of the council.[367] To make matters worse, the companies whom Crawford approved of cut down healthy timber and left beetle-infested timber standing without properly disposing of it. Mitchell explained that the problem was not so much the beetles, but that inexperienced people under Crawford's watch cut down trees when they had no idea what to do.[368] In essence, Crawford went behind his nation's back and lost resources to outsiders.

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[366] "Statement of Levi Walker – Continued," in US House of Representatives *Hearings*, 126-8, https://babel.hathitrust.org/cgi/pt?id=mdp.35112104228327&seq=1; "Statement of Ben F. Mitchell," in US House of Representatives *Hearings*, 130-1, https://babel.hathitrust.org/cgi/pt?id=mdp.35112104228327&seq=1; "Statement of Ben F. Mitchell – Continued," February 19, 1935, in *Hearings Before the Subcommittee on General Bills of the Committee on Indian Affairs House of Representatives, Seventy-Fourth Congress First Session on H. R. 7781 and Other Matters, February 11, 1935* (Washington: Government Printing Office, 1935), 187-93, https://babel.hathitrust.org/cgi/pt?id=mdp.35112104228327&seq=1.

[367] "Statement of Ben F. Mitchell – Continued," February 18, 1935, in US House of Representatives, *Hearings Before the Subcommittee on General Bills of the Committee on Indian Affairs House of Representatives, Seventy-Fourth Congress First Session on H. R. 7781 and Other Matters, February 11, 1935* (Washington: Government Printing Office, 1935), 140-1, https://babel.hathitrust.org/cgi/pt?id=mdp.35112104228327&seq=1.

[368] "Statement of Ben F. Mitchell – Continued," February 18, 1935, *Hearings Before the Subcommittee on General Bills of the Committee on Indian Affairs House of Representatives, Seventy-Fourth Congress First*

On the subject of health, while Crawford prided himself and the reservation on having the best healthcare, Mitchell said otherwise. According to Mitchell, in 1934, after a regular doctor left the reservation, Crawford wanted three "contract doctors" on the reservation. The tribe objected to this since the nation paid for health services with its own money. This led to fighting between the superintendent and the tribe for about eight months, after which Crawford backed down. But during those months of fighting, with no fulltime physician, smallpox and flu epidemics broke out on the reservation. In letters to Mitchell, Crawford refused any doctors who did not sign the contracts to provide care on the reservation.[369] Although Crawford relented, his arrogance cost lives that could have been saved, which revealed him to be a more callous leader.

Mitchell also pointed out that Collier never consulted with the Klamath Tribe about Crawford before appointing him as the tribe's superintendent. According to Mitchell, tribal members voiced objections to Collier about Crawford because of their experiences with him, but Collier bluntly told the tribe that "My opinion is the only opinion; you Klamath Indians will have to take what I give you." As much as Collier promoted Native self-rule, his comments about the Klamath suggested otherwise because they illustrated that paternalism took a different form with the Indian New Deal. What made Collier's attitude toward the Klamath Indians all the more frustrating was that the Klamath constitution called for a close, professional relationship with the Commissioner of Indian Affairs. However, Collier violated this relationship by not consulting with the

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Session on H. R. 7781 and Other Matters, February 11, 1935 (Washington: Government Printing Office, 1935), 146, https://babel.hathitrust.org/cgi/pt?id=mdp.35112104228327&seq=1.

[369] "Statement of Ben F. Mitchell – Continued," February 18, 1935, *Hearings*, 152-5, https://babel.hathitrust.org/cgi/pt?id=mdp.35112104228327&seq=1.

tribe. His comments toward the tribal nation revealed that the Klamath Tribe advocated for diplomacy with the United States, yet Collier hurt this relationship with his paternalistic attitude.[370]

When congressmen confronted Crawford about his shortcomings, he admitted them to the committee. In terms of the timber, he admitted that he violated the law by entering into a contract with the lumber company without the approval of the Klamath general council. Although he told Collier about his contract, who approved it, he never consulted the tribal council about it. This illustrated Crawford's close relationship with Collier, but it also illustrated the paradox of Crawford: he wanted to help his community, but went against the tribal nation and sided more with Collier, who was toxic toward Klamath tribal members. With regards to losing timber supplies, Crawford acknowledged that he mismanaged the situation, in that what happened was workers cut down the wrong trees. As for the controversy over doctors during the epidemics on the reservation, Crawford testified that he brought doctors in to help sick Indians.[371] Although Crawford tried to explain his actions, his and the other Klamath delegates' testimonies revealed that

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[370] "Statement of Ben F. Mitchell – Continued," February 19, 1935, *Hearings*, 173-4, 177, https://babel.hathitrust.org/cgi/pt?id=mdp.35112104228327&seq=1.

[371] "Statement of Wade Crawford, Superintendent of the Klamath Indian Reservation – Continued," February 19, 1935, in US House of Representatives, *Hearings Before the Subcommittee on General Bills of the Committee on Indian Affairs House of Representatives, Seventy-Fourth Congress First Session on H. R. 7781 and Other Matters, February 11, 1935* (Washington: Government Printing Office, 1935), 197-9, 227, https://babel.hathitrust.org/cgi/pt?id=mdp.35112104228327&seq=1; "Statement of Wade Crawford, Superintendent of the Klamath Indian Reservation – Continued," in US House of Representatives, *Hearings Before the Subcommittee on General Bills of the Committee on Indian Affairs House of Representatives, Seventy-Fourth Congress First Session on H. R. 7781 and Other Matters, February 11, 1935* (Washington: Government Printing Office, 1935), 243-7, https://babel.hathitrust.org/cgi/pt?id=mdp.35112104228327&seq=1.

he was not the perfect tribal leader as he positioned himself to be. Instead, it showed that he hurt his own community that he had spent years trying to help.

Eventually, the federal government took care of Crawford. In 1937, Collier fired Crawford from his post as superintendent for improperly performing his job. That same year, Crawford testified to the Senate about his removal and defended his reputation. Other politicians and Indian Service officials also defended Crawford, but he never served as Superintendent of the Klamath Tribe again.[372] One tribal leader, Clayton Kirk, who served as President of the business committee, defended Crawford. Kirk argued that Crawford helped Klamath tribal members find jobs on their reservation during his time with the business committee and as the tribal nation's superintendent. As for his personality, Kirk defended Crawford and mentioned he was respectful and pleasant to work with as a fellow tribal leader. Kirk's claims about Crawford indicated that Crawford did invest in reservation jobs for Klamath tribal members. Although Kirk praised Crawford, the fact that more politicians or federal officials defended Crawford than tribal members demonstrated how little support Crawford had from his own community.[373]

Despite being fired by Collier, Crawford's political career did not end in 1937. In 1938, he ran for the Democratic nomination for Oregon's second congressional district,

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[372] "Crawford Planning to Demand Hearing Before Senate Indian Committee," *The Evening Herald* (Klamath Falls), June 8, 1937, 1, https://oregonnews.uoregon.edu/lccn/sn99063812/1937-06-08/ed-1/seq-1/#words=CRAWFORD+DEMAND+PLANNING; *Hearings Before the Committee on Indian Affairs United States Senate Seventy-Fifth Congress First Session on the Dismissal of Wade Crawford, Superintendent Klamath Indian Reservation, Oreg., July 1, 2, and 8, 1937* (Washington, D. C.: Government Printing Office, 1940), 1, 3-5, Google books; "Ickes Accepts Ouster Order for Crawford," *The Evening Herald* (Klamath Falls), April 30, 1937, 1, 5, https://oregonnews.uoregon.edu/lccn/sn99063812/1937-04-30/ed-1/seq-1/#words=ICKES+Ickes.

[373] "Kirk Cracks Crawford Critics Crustily as Controversy Continues," *News and Herald* (Klamath Falls), June 11, 1937, 3, https://oregonnews.uoregon.edu/lccn/sn99063812/1937-06-11/ed-1/seq-17/#words=Continues+Controversy+Cracks+Crawford+Critics+Crustily+Kirk.

but lost. In 1945, Klamath tribal members elected him and Wade Jackson to be their delegates to Washington, D. C..[374] For the next few years, Crawford resumed his diplomacy with the federal government, and among the issues he negotiated were liquidation, or termination, of the Klamath Tribe.

Crawford may have positioned himself as an advocate for his community, but he was not a leader Klamath tribal members respected. As Walker and Mitchell testified, Crawford was an unprofessional superintendent who hurt his community because of poor decisions he made. In fact, Klamath tribal members protested Collier appointing Crawford to that very post because even before he assumed command as the tribe's superintendent, he was hostile towards his community. Overall, Crawford was a complex character who helped and hurt his community through his decisions, and one of them was termination.

The termination of the Klamath Tribe originated with Crawford. During the early 1930s Crawford called for the incorporation of the Klamath Tribe into a corporation, and negotiated with congressmen who introduced a bill on it. As stated earlier, this would have made tribal members stockholders who could sell or transfer shares with the corporation. While this idea did not specifically call for termination, the proposed bill did not include anything for children born after the establishment of the corporation, which meant many tribal members would have lost access to resources their parents owned. Intriguingly, the omission of provisions for tribal members born after the establishment

[374] "Klamath Indians Elect Delegates," *Herald and News* (Klamath Falls), November 2, 1945, 1-2, https://oregonnews.uoregon.edu/lccn/sn99063813/1945-11-02/ed-1/seq-1/#words=Crawford+Wade.

foreshadowed the Klamath Termination Act, which stated that children born after the bill went into effect would not be enrolled in the tribe. Although the bill failed and the tribe never incorporated, Crawford's efforts illustrated that he hoped to make his fellow tribal members as self-sufficient as possible.[375]

Before going any further, it should be explained why Crawford pushed for termination. Crawford's efforts to liquidate or terminate the tribe were rooted in business and economics, as he pushed for turning the tribal nation into a corporation. However, politics also played a role since his incorporation ideas also stemmed from a need for Klamath self-governance. He probably picked up on this idea from his father's testimony to Congress in 1928, who testified against the federal government mismanaging timber prices and leasing Klamath rangeland to outside grazers. The younger Crawford had seen federal mismanagement of reservation resources along with his family, and he wanted to change that when he authored the Klamath constitution, which defined the relationship between the tribal nation and the United States. Yet as much as Crawford endorsed Klamath self-governance, he also pushed for a better relationship with the United States. Indeed, Crawford had a close relationship with John Collier during his tenure as Superintendent for the Klamath Tribe, in which he helped bring jobs to the reservation. Crawford's relationship with the United States illustrated that he navigated his tenure like a traditional Modoc diplomat – working closely with the United States to ensure the well-being of his people. However, his push for incorporating the nation into a corporation, as

[375] An Act to provide for the termination of Federal supervision over the property of the Klamath Tribe of Indians located in the State of Oregon and the individual members thereof, and for other purposes, Public Law 587 (August 13, 1954), https://www.govinfo.gov/content/pkg/STATUTE-68/pdf/STATUTE-68-Pg718.pdf#page=4; Wilkin, *Documents of Native American Political Development: 1500s-1933*, 453-4.

well as going behind the tribal council's back illustrated that though Crawford believed he meant well for his people, in reality he hurt them more than helped them.[376]

Crawford continued to support termination through the 1940s, much to the opposition of the tribal community. In 1945, Crawford and his wife sponsored a bill introduced by Senator Wayne Morse. The bill, known as SB1313 or "the Crawford bill," called for the "liquidation of tribal property and distribution of the proceeds," as well as "remove restrictions on the property and money belonging to individual Klamath Indians."[377] The act clearly called for the termination of the tribe by dividing reservation land and distributing it among tribal members. If anything, it sounded like the Dawes Act. Although Crawford supported the bill, the Klamath business committee rejected it, and even issued a statement that said Crawford and his wife, a fellow delegate, "are in sheer desperation, since they are doing everything they can to get the public to believe SB1313 has a chance."[378] As the committee stated, Crawford tried to galvanize support, but in the end the bill failed. If anything, the bill revealed the political divide between Crawford and the Klamath Tribe.

Even after the bill failed, Crawford continued to support termination. In 1947, Crawford supported a bill known as Senate Bill 1222, which would have dissolved the

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[376] *Hearings Before the Subcommittee on General Bills of the Committee on Indian Affairs House of Representatives, Seventy-Fourth Congress First Session on H. R. 7781 and Other Matters, February 11, 1935* (Washington: Government Printing Office, 1935), 126-8, 152-5, 187-93, https://babel.hathitrust.org/cgi/pt?id=mdp.35112104228327&seq=1; Constitution and Bylaws of the Klamath Business Committee, 443-6; "Testimony of William Crawford," November 16, 1928, in *Hearings*, 258-62, 2 325-6, Google books.

[377] "Crawford Bill," October 30, 1945, 2, https://oregonnews.uoregon.edu/lccn/sn99063813/1945-10-30/ed-1/seq-2/#words=bill+BILL+Crawford+CRAWFORD.

[378] "Crawford Bill," October 30, 1945, 2, https://oregonnews.uoregon.edu/lccn/sn99063813/1945-10-30/ed-1/seq-2/#words=bill+BILL+Crawford+CRAWFORD.

Klamath reservation and granted "full citizenship" to Klamath Natives. When Crawford brought this bill to a vote for the business committee, the committee and tribal members overwhelmingly voted against it.[379] Boyd Jackson, the other Klamath delegate to Washington, D. C. spoke out against the bill. He stated that "The Klamath reservation is our heritage," and called it "the goose that lays the golden egg." He added "Don't be greedy and kill the goose." Jackson's words illustrated why most of the tribe was against termination: they did not want to give up their homeland. Indeed, tribal members made it clear that their home was not for sale.[380] In a local newspaper article from 1949, Crawford and other members of a sixteen-man commission drew up a measure to potentially introduce to Congress that would allow individual Klamath tribal members to "withdraw from the tribe" and be granted "all rights and liabilities of full American citizenship."[381] Known as the "Klamath Voluntary Withdraw Act," the bill was part of another piece of legislation stalled in Congress that would liquidate the Klamath Reservation, which indicated that Crawford and Congress openly supported the termination of the tribal nation. Indeed, Crawford's bill mirrored what politicians in Washington, D. C. planned for the Klamath Tribe and other Native nations.

Even though tribal members and the council opposed Crawford's idea, the federal government had the final say because of changing approaches to federal Indian policy.

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[379] Hale Scarbrough, "Indians Map Anti-Liquidation Stand To Be Made At Congressional Hearing," *Herald and News* (Klamath Falls), August 1, 1947, 1, 6, https://oregonnews.uoregon.edu/lccn/sn99063813/1947-08-01/ed-1/seq-1/#words=Anti+Liquidation.
[380] Scarbrough, "Indians Map Anti-Liquidation," August 1, 1947, 1, 6, https://oregonnews.uoregon.edu/lccn/sn99063813/1947-08-01/ed-1/seq-1/#words=Anti+Liquidation.
[381] Hale Scarbrough, "Bill Giving Indians Citizenship Readied," *Herald and News* (Klamath Falls), December 24, 1949, 1, 5, https://oregonnews.uoregon.edu/lccn/sn99063813/1949-12-24/ed-1/seq-1/#words=bill+Bill+Citizenship+Giving+Indians+Readied.

After the Roosevelt Administration's support for tribal reform, federal Indian policy returned to assimilation under the Truman and Eisenhower administrations, especially the latter. Termination originated with Acting Commissioner of Indian Affairs, William Zimmerman, who presented different proposals over how to handle the policy. His proposals called for the immediate termination of some tribes he deemed ready, while other tribes would eventually be terminated. His proposals emphasized state and tribal negotiations with the federal government over termination, in that these three powers would negotiate the policy with each other, but Congress voted down his proposals.[382]

Termination ramped up during the Eisenhower administration, which saw the passing of significant legislation against Native sovereignty. One bill was House Resolution 108, which targeted specific tribal nations in specific states for termination. These states included California, Texas, Florida, and New York, and the Klamath Tribe was listed for termination. The resolution called for the federal government to release Native Americans of their federal statuses. It also called for the Secretary of Interior to reexamine legislation dealing with Natives and treaties negotiated between Native peoples and the United States. As the bill made clear, the federal government prepared to terminate tribal nations. Although the bill did not immediately terminate any of the Native nations within the six specific states, it strongly hinted at the fates of these nations, like the Klamath.[383]

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[382] Vine Deloria Jr., *Custer Died For Your Sins: An Indian Manifesto* (Norman: University of Oklahoma Press, 1969), 56-9.
[383] House Conc. Resolution 108, August 1, 1953, https://www.govinfo.gov/content/pkg/STATUTE-67/pdf/STATUTE-67-PgB132-2.pdf; Stern, *The Klamath Tribe*, 250-1.

Another law passed by Congress that threatened Indigenous sovereignty was Public Law 280 because it permitted five states – Oregon (except for the Warm Springs Reservation), California, Minnesota (except for the Red Lake Reservation), Nebraska, and Wisconsin (except for the Menominee Reservation) – to allow non-Native law enforcement agencies to investigate crimes on reservations within the state. This law further circumvented Indigenous sovereignty by allowing these specific states to enforce their criminal and civil laws on Native nations within their borders. Although Public Law 280 did not terminate tribal nations, its passage further illustrated the federal government's push to end Indigenous sovereignty by allowing states to enforce their laws on Native nations.[384]

In August 1954, the United States terminated the Klamath Tribe through Public Law 587, or the Klamath Termination Act. According to the bill, at midnight of the day of its enactment – August 13, 1954 – no Native child born after the date would be enrolled in the Klamath Tribe.[385] The termination bill outlined the division of reservation lands and resources among tribal members. According to the act, Klamath Natives would have to consult with the Secretary of the Interior over how to divide tribal property among themselves. The bill laid out two options: tribal members could withdraw from the tribe and have their interest in tribal property converted to money and given to them, or tribal members could stay in the tribe and help manage tribal property. Those who chose not to

[384] Rossum, *The Supreme Court and Tribal Gaming*, 67-8.
[385] An Act to provide for the termination of Federal supervision over the property of the Klamath Tribe of Indians located in the State of Oregon and the individual members thereof, and for other purposes, Public Law 587 (August 13, 1954), https://www.govinfo.gov/content/pkg/STATUTE-68/pdf/STATUTE-68-Pg718.pdf#page=4.

withdraw would determine the property to be sold as a means to provide funds for the members who wanted their interests converted into money. The tribal property would then be managed by a corporation, trustee, or any other form of legal authority, and this process had to be appraised in four years.[386]

The Klamath Termination Act paralleled the Dawes Act, in that it called for the division of tribal property among tribal members. In this case, however, the federal government wanted the reservation and its resources divided up among the Klamath Natives, and the bill provided an option for a trustee overseeing property as opposed to the federal government overseeing it.[387] In essence, the Klamath Termination Act indicated that the government pivoted back to assimilation as federal Indian policy. After Congress passed the act, Klamath tribal members voted on termination, and according to Theodore Stern, most of the tribe voted to withdraw, or in his words, "over seventy per cent of the tribal membership."[388] As for members of the Modoc band, they never took part in the negotiations, but Modoc Natives in Oklahoma and nearby states like Kansas and Missouri managed to enroll in the final rolls, though not all of them did. This indicated that Modoc Indians in the Southwest knew about termination.

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[386] An Act to provide for the termination of Federal supervision over the property of the Klamath Tribe of Indians located in the State of Oregon and the individual members thereof, and for other purposes, Public Law 587 (August 13, 1954), https://www.govinfo.gov/content/pkg/STATUTE-68/pdf/STATUTE-68-Pg718.pdf#page=4

[387] Gibson, *The American Indian*, 486-7, 489, 491, 498-9; To provide for the termination of Federal supervision (August 13, 1954), https://www.govinfo.gov/content/pkg/STATUTE-68/pdf/STATUTE-68-Pg718.pdf#page=4.

[388] *Hearings before the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs, House of Representatives Eighty-Ninth Congress First Session on H. R. 907, H. R. 4964, and S. 664 To Provide for the Disposition of Judgment Funds of the Klamath and Modoc Tribes and Yahooskin Band of Snake Indians, and for other purposes, Hearings held in Washington, D. C., April 9; May 13 and 14; June 17 and 18; and August 13 and 18, 1965* (Washington, D. C.: Government Printing Office, 1965), 13, https://babel.hathitrust.org/cgi/pt?id=uc1.31822019236934&seq=1; Stern, *The Klamath Tribe*, 252.

One thing to note as to why so many members voted for termination was that they essentially had no choice because of Senator Arthur Watkins of Utah, a staunch assimilationist and advocate of termination. Klamath Indians agreed to terminate because Watkins held up approving a judgment of $2.6 million for the tribe against the United States unless they agreed to the termination bill. Watkins essentially intimidated the Klamath Indians into terminating their tribal nation, which was on par for the Utah senator because he pressured the Menominee of Wisconsin to vote for their termination. In fact, before he threatened both tribal nations, Watkins tricked small Paiute bands in his home state into terminating by promising that they would be federally recognized through their tribal marriages, but the legislation never mentioned anything of these marriages. Watkins proved to be a threat to Indigenous sovereignty who did anything he could to make termination happen.[389]

According to tribal members like Morrie Jimenez, the United States had desired terminating the Klamath Tribe because of the nation's surplus of timber and other resources. Modesto Jimenez mentioned that the community lost timber to "federal forest; Freemont, Winema National Forest," and that in terms of revenue, the tribal nation "lost millions and millions of revenue for our tribe."[390] Timber, a significant socioeconomic source for the nation, was now mostly in the hands of the federal government. Curiously, it was the federal government who pushed tribal members to take up timber, but when they found success with timber, the government spent years trying to grab complete

[389] Deloria, Jr., *Custer Died For Your Sins*, 63-8.
[390] Modesto Jimenez, October 19, 2002, interview by Linc Kesler, Oral Narratives of the Klamath Termination: Individual Elders Reflect on Time and Change, First Nations and Indigenous Studies, University of British Columbia, Vancouver, British Columbia, Canada.

control of it, which they accomplished with termination.[391] Jimenez explained in his oral history with the University of British Columbia that termination "was just another means, another way of getting what they wanted," which was "Getting the timber, and getting the water resources.[392] Indeed, the federal government terminated the Klamath Tribe to steal resources. Morrie Jimenez also explained that termination resulted in a political schism within the Klamath Tribe: the "withdrawn members and the remaining members." The withdrawn members were tribal members who voted to withdraw from the tribe, while the remaining members were those who voted against termination. The remaining members formed a land trust group to manage, until they dissolved ten years after the termination of the Klamath Tribe.[393] As Morrie and Modesto Jimenez revealed, termination stole valuable tribal resources and divided Klamath citizens.

Over the course of the early twentieth century, Klamath tribal leaders like Wade Crawford made major political decisions that impacted the tribal nation. Crawford advocated for tribal sovereignty, yet favored the termination of his nation because he believed that tribal citizens should manage their own resources. Crawford's story shows that Modoc Indians like himself served as elected leaders for their tribal nation and negotiated with the United States, thus continuing Modoc political traditions. But after

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[391] Applegate to the Commissioner of Indian Affairs, October 14, 1901, 348; Applegate to the Commissioner of Indian Affairs, August 30, 1890, 204-5; Applegate to Hon. H. W. Perit Huntington, August 6, 1866, 89; Nickerson to the Commissioner of Indian Affairs, July 7, 1879, 126; Nickerson to the Commissioner of Indian Affairs, July 27, 1882, 136, 137; Dyar to Hon. Edward P. Smith, August 31, 1875, 347-8; Stern, *The Klamath Tribe*, 61-3.
[392] Morrie Jimenez, September 3, 2002, interview by Linc Kesler, Oral Narratives of the Klamath Termination: Individual Elders Reflect on Time and Change, First Nations and Indigenous Studies, University of British Columbia, Vancouver, British Columbia, Canada.
[393] Morrie Jimenez, September 3, 2002, interview by Linc Kesler.

the Roosevelt Administration, the federal government terminated the Klamath Tribe and other tribal nations. In Oklahoma, the Modoc band was terminated, but the band fought to be restored by turning to their political traditions.

Chapter 8: A Nation Restored: The Modoc Tribe of Oklahoma

As the Klamath Tribe assumed diplomacy with the United States, Kintpuash's Modoc band continued to make their space in Oklahoma. Modoc Natives continued their agricultural endeavors and also worked for the Civilian Conservation Corps during the New Deal.[394] But things significantly changed for the band in 1954, when the United States terminated them and the Klamath Tribe as a whole. The Modoc band was not the only tribal community in northeastern Oklahoma to be terminated, as the Peoria, Ottawa, Wyandot, and other tribal nations in the region were also terminated.[395] The band lost their sovereignty because termination replaced reform with regard to federal Indian policy, and because of Wade Crawford's decades-long endeavor of pushing for self-determination of the Klamath Tribe. Crawford saw termination as the best way for his people to manage their own affairs, but although tribal leaders and members strongly opposed his ideas, Congress passed the Klamath Termination Bill. Overall, Modoc Indians in Oregon and Oklahoma lost their sovereignty due to federal and Indigenous politics.[396]

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[394] Narrative Section: Annual Statistical Report for 1937, from RG 75: Records of the Bureau of Indian Affairs: Records of the Miami Indian Agency, Records of the Office of the Superintendent Annual Reports, Population Schedules - 1880 1937; *Modoc Nation: An Untold Story of Survival* (Sextons Creek Productions, 2021), https://modocfilm.com/.

[395] *Hearing Before the United States Senate Select Committee on Indian Affairs Ninety-Fifth Congress, First Session on S. 661 To Restore Federal Recognition of Certain Indian Tribes, and For Other Purposes, September 27, 1977* (Washington, D. C.: U. S. Government Printing Office, 1977), 11; S. 661, To reinstate the Modoc, Wyandotte, Peoria, and Ottawa Indian Tribes of Oklahoma as federally supervised and recognized Indian tribes, May 15, 1978,

[396] An Act to provide for the termination of Federal supervision over the property of the Klamath Tribe of Indians located in the State of Oregon and the individual members thereof, and for other purposes, Public Law 587 (August 13, 1954); "Crawford Bill," October 30, 1945, 2, https://oregonnews.uoregon.edu/lccn/sn99063813/1945-10-30/ed-1/seq-2/#words=bill+BILL+Crawford+CRAWFORD; Deloria, Jr., *Custer Died For Your Sins*, 63-8; Scarbrough, "Indians Map Anti-Liquidation," *Herald and News* (Klamath Falls), August 1, 1947, 1, 6,

Although they were terminated, the Modoc band fought for their restoration. To regain their sovereignty, the band did what they had always done to keep their community together in California and Oklahoma: turn to their traditions, which meant looking to the laGi and working together, as well as engage with the United States. In 1967, the band formed a tribal government with an elected chairman as their leader, and formed the Inter-Tribal Council with other Native nations in northeastern Oklahoma.[397] The band looked towards their chairman for assistance, who at the time of termination was Vernon Dutch Walker. Walker and the tribal elders advised the community to be cautious, and the community continued to hold tribal meetings as they had done since before the arrival of Americans. After Bill Follis, a Modoc rancher, was elected chairman in 1973, he worked hard for the band in Oklahoma and Washington, D. C.. In Oklahoma, he ratified a constitution the band had written, and he traveled to Washington, D. C. to represent his community – a clear sign of traditional Modoc leadership and diplomacy. These efforts paid off in 1978, when the United States restored the Modoc band as the Modoc Tribe of Oklahoma, and also restored the Ottawa, Wyandot, and Peoria nations. Overall, the band's fight for restoration illustrated how the community persisted in the Southwest since their forced removal to the region: by relying on political and cultural traditions that kept the community together.

By the early twentieth century, two distinct Modoc communities emerged in the American West: the Modoc band in Oklahoma, and the Modoc community in Oregon.

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https://oregonnews.uoregon.edu/lccn/sn99063813/1947-08-01/ed-1/seq-1/#words=Anti+Liquidation; Stern, *The Klamath Tribe*, 252.

[397] Patricia Trolinger, "Modoc," in *The History of Ottawa County*, by Velma Nieberding (Marceline, MO: Walsworth Pub. Co, 1983), 260.

The Modoc community in Oregon was made up of Modoc Indians who remained on the Klamath Reservation and never participated in the Modoc War. This community was also made up of Modoc Natives who were part of the band removed to Indian Territory/Oklahoma but moved back to Oregon. Although both tribal communities were about two thousand miles apart, they were both part of the Klamath Tribe based in Southern Oregon. In fact, the Modoc band was the only tribal nation not enrolled in the Quapaw Agency, yet lived within its physical parameters. Although the band lived among tribal nations of the Quapaw Agency, and federal officials documented the band in their reports along with these other communities, the band's census records were referred to the Klamath Agency on account of being part of the Klamath Tribe.[398] While most members of the band remained in Oklahoma after their reenrollment in the Klamath Tribe, some of them like Jennie Clinton and Ben Lawver moved back to Oregon after their reenrollment. In fact, a few Modoc moved back to the Klamath reservation before the community's reenrollment to reunite with loved ones and escape poor living

[398] O.C. Applegate to Commissioner of Indian Affairs, September 10, 1902, in *Annual Reports of the Department of the Interior for the Fiscal Year Ended June 30, 1902* (Washington: Government Printing Office, 1903), 309; O. C. Applegate to the Commissioner of Indian Affairs, September 25, 1903, in *Annual Reports of the Department of the Interior for the Fiscal Year ended June 30, 1903* (Washington: Government Printing Office, 1903), 286; Cora Hayman, "An Interview With Mrs. Cora Hayman," interview by Nannie Lee Burns, October 21, 1937, 285-6; J. L. Suffecool to the Commissioner of Indian Affairs, August 8, 1927, Annual Rerpo, RG 75 – Records of the Bureau of Indian Affairs Records of the Miami Agency Records of the Office of the Superintendents: Annual Reports 1920-1947, Statistics for 1926-1930, Box 1, E. 8; Narrative Section: Annual Statistical Report for 1937, 3, from RG 75: Records of the Bureau of Indian Affairs: Records of the Miami Indian Agency, Records of the Office of the Superintendent Annual Reports, Population Schedules - 1880 1937; US Department of Interior, "Modocs in Oklahoma," *in Rules and regulations relating to the issuance of patents in fee and certificates of competency and the sale of allotted and inherited Indian lands, except those belonging to the five civilized tribes*, October 12, 1910 (Washington, D. C.: Government Printing Office, 1910), 18, https://babel.hathitrust.org/cgi/pt?id=mdp.39015070204980&seq=1; "Statistical Tables," June 30, 1910, in *Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Fiscal Year Ended June 30, 1910* (Washington, D. C.: Government Printing Office, 1911), 64.

conditions on the Modoc reservation. While some Modoc Indians moved back to Oregon over the course of the late nineteenth and early twentieth centuries, most of the band remained in the Southwest, especially Oklahoma. Those who stayed lived close to neighboring Native communities like the Wyandots and Quapaws. Overall, the fact that most of the band remained in Oklahoma illustrated that most of the Modoc Indians adapted to the Southwest and made the region their home.[399]

The Modoc Indians who stayed in the Southwest continued to support themselves as they had done in the region since their removal to Indian Territory in 1873. These Natives mostly resided in northeastern Oklahoma, especially Ottawa County next to Missouri and Kansas. The Modoc who lived outside Oklahoma lived close by in the border towns of Seneca, Missouri, and Baxter Springs, Kansas – the two very towns that Modoc Natives frequented for work or to sell their agricultural products during the late nineteenth century.[400] The fact that Modoc Indians not only worked for or in these towns,

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[399] Bluejacket, "Eastern Shawnees, and other Tribes of Northeastern Oklahoma," November 24, 1969, 3; Tom Captain, "Eastern Shawnees and Other Tribes of Northeast Oklahoma," interview by J. W. Tyner, September 16, 1969; Jennie Clinton, in *Letter from the Secretary of the Interior, Transmitting Pursuant to Law, a Communication submitting a Report of an Investigation of the Claim of Charles Hood, Half-Blood Modoc Indian, for Payment for Alleged Services Performed by Him*, 66th Congress, 2nd Session, Document no. 183, Senate Documents Vol. 14 (Washington, D. C.: Government Printing Office, 1920), 13; Hayman, "An Interview With Mrs. Cora Hayman," interview by Nannie Lee Burns, October 21, 1937; Riddle, *Indian History*, 194; J. V. Summers to the Commissioner of Indian Affairs, August 23, 1887, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior The Year 1887* (Washington: Government Printing Office, 1887), 93; "Territory Topics – Modocs to Emigrate," *Mooreland Leader*, May 30, 1903, 2; US Department of Interior, "Modocs in Oklahoma," *in Rules and regulations relating to the issuance of patents in fee and certificates of competency and the sale of allotted and inherited Indian lands, except those belonging to the five civilized tribes*, October 12, 1910 (Washington, D. C.: Government Printing Office, 1910), 18, https://babel.hathitrust.org/cgi/pt?id=mdp.39015070204980&seq=1.

[400] Bill Follis, "Modoc Tribe," in *Hearing before the United States Senate Select Committee on Indian Affairs Ninety-Fifth Congress First Session on S. 661 To restore Federal recognition of certain Indian tribes, and for other purposes*, September 27, 1977 (Washington, D. C.: Government Printing Office, 1977), 82, 85; *Hearings before the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs, House of Representatives Eighty-Ninth Congress First Session on H. R. 907, H. R. 4964,*

but also made them their permanent homes illustrated how the Native band made their space in the American Southwest. Overall, northeastern Oklahoma as well as some of Kansas and Missouri became Modoc space outside of the Pacific Northwest.

Like their kinsmen in Oregon, and much as they had done in California before their removal to Indian Territory, Modoc Natives in Oklahoma continued their socioeconomic endeavors in agriculture and other avenues of labor. According to reports from the early 1930s, most of the Indians residing in Ottawa County supported themselves through agriculture.[401] Some Modoc Natives found work outside of agriculture, especially during the New Deal era. In fact, much like their fellow Klamath tribal members in Oregon, Modoc Indians in Oklahoma found work for the Civilian Conservation Corps, which two files of Modoc Natives at the National Archives at Fort Worth confirmed.[402] These parallels between both tribal communities demonstrate that although physically separated across the American West, Modoc Natives in Oregon and Oklahoma pursued similar socioeconomic avenues.

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and S. 664 To Provide for the Disposition of Judgment Funds of the Klamath and Modoc Tribes and Yahooskin Band of Snake Indians, and for other purposes, Hearings held in Washington, D. C., April 9; May 13 and 14; June 17 and 18; and August 13 and 18, 1965 (Washington, D. C.: Government Printing Office, 1965), 13; Narrative Section: Annual Statistical Report for 1937, from RG 75: Records of the Bureau of Indian Affairs: Records of the Miami Indian Agency, Records of the Office of the Superintendent Annual Reports, Population Schedules - 1880 1937 s reports from NARA;;

[401] Narrative Section, Annual Statistical Report 1938: Quapaw Indian Agency, 1-2, from RG 75: Records of the Bureau of Indian Affairs: Records of the Miami Indian Agency, Records of the Office of the Superintendent Annual Reports, Population Schedules - 1880 1937; Quapaw Indian Agency Narrative Section Report, Annual Statistical Report for 1940, 1, 10-1, from RG 75: Records of the Bureau of Indian Affairs: Records of the Miami Indian Agency, Records of the Office of the Superintendent Annual Reports, Population Schedules - 1880 1937.

[402] Lawrence Bellm, Enrollment for Emergency Conservation Work, Indian Service, April 5, 1936, from RG 75: Records of the Bureau of Indian Affairs – Records of the Miami Indian Agency: Civilian Conservation Corps – Indian Division Enrollee Records, 1938-1942, Box No. 2, E. 159; Charles Robbins, Enrollment for Emergency Conservation Work, Indian Service, March 29, 1938, from RG 75: Records of the Bureau of Indian Affairs – Records of the Miami Indian Agency: Civilian Conservation Corps – Indian Division Enrollee Records, 1938-1942, Box No. 2, E. 159.

Since the Modoc band was part of the Klamath Tribe, Klamath tribal leaders in Oregon determined major political decisions and responsibilities regarding the band and other Indigenous communities of the tribal nation. One of these responsibilities was diplomacy, which had long been a core standard of Modoc political tradition since before the arrival of American settlers in the Pacific Northwest. After the band's reenrollment in the Klamath Tribe, Klamath tribal leaders assumed diplomacy with the federal government by means of serving as delegates to Washington, D. C., as tribal members voted to elect delegates to represent them in the East and negotiate with federal and Congressional officials. This kind of diplomacy paralleled what the band had handled since Kintpuash's time and even as recently as Ben Lawver and Charles Hood, in that Kintpuash met with American officials to discuss maintaining Modoc space in California during the mid-1800s, while a Modoc council under Lawver voted to send Hood to Washington, D. C. to negotiate reenrollment in the Klamath Tribe in 1903. Essentially, Modoc diplomacy, specifically that of the band removed to Indian Territory/Oklahoma shifted to the Klamath Tribe, which though modified in some ways, still remained Modoc in nature since the tribal nation maintained core aspects of it.[403]

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[403] Lindsay Applegate to Hon. J. W. P. Huntington, August 6, 1866, in *Report of the Commissioner of Indian Affairs for the Year 1866* (Washington: Government Printing Office, 1866), 90 Compton, *Spirit in the Rock*, 38-40; L. Applegate to Stephen B. Thoburn, September 19, 1869, Fisher Papers, Vol. 1, 10-1; Daniel Clinton, in *Letter from the Secretary of the Interior*, 14; Jennie Clinton, in *Letter from the Secretary of the Interior,* 13, 14; Henry Hudson, in *Letter from the Secretary of the Interior*, 26; Cora Hayman, in *Letter from the Secretary of the Interior,* 10; Etta Stanley, in *Letter from the Secretary of the Interior*, 9; James, *Modoc*, 37-8; "Proceedings of a Military Commission," July 1873, in US House of Representatives *Official Copies of Correspondence Relative to the War with Modoc Indians*, 1872-3, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 172; John Meacham to A. B. Meacham, August 21, 1871, Fisher Papers, Vol. 1, 58-62; Meacham, *Wigwam and Warpath*, 302; E. W. Potter, D. Kean, and E. S. Steele, *To the Indians now assembled*, February 14, 1864, in *Annual Report of the Commissioner of Indian Affairs for the Year 1864* (Washington, D. C.: Government Printing Office, 1865), 109-110; "Proceedings of a Military Commission," in US House of Representatives *Official Copies of Correspondence Relative to the War with*

Klamath diplomacy with the federal government during the twentieth century was Modoc in the sense that not only elected leaders negotiated with American officials, but that Wade Crawford, a Modoc from Oregon, became an important diplomat for the Klamath Tribe. Crawford served as one of the tribe's elected delegates as well as Superintendent – the latter role which John Collier appointed despite tribal opposition. As the tribe's delegate and Superintendent, Crawford assumed the role of a laGi, in that he negotiated and proposed policies with federal and Congressional officials for his tribal nation. Although the laGi was supposed to be levelheaded and worked for his community, Crawford's hostility towards tribal members and mismanaging timber resources and an epidemic that killed many Klamath Natives cost him his job as Superintendent in 1937. He failed as a laGi since he violated key aspects of Modoc leadership. But even after Collier fired Crawford as Superintendent, Crawford was elected as the tribe's delegate again in the 1940s. He then pushed for the termination of the tribe, much to the opposition of the majority of the Klamath nation. Crawford may not have been from Oklahoma, but the fact that a Modoc represented his fellow tribal members in Oregon

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Modoc Indians, 1872-3, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 173; "Report of Conversation, between, Colonel Otis Mr J. N. High sub agent Klamath Indian agency and Mr J. D. Applegate Commissary, Yainex Agency Oregon, at the Gap on Lost-River Oregon on the 3d of April 1872, with Captain Jack the Chief of the Modoc Indians and about Thirty five of his Indians," April 3, 1872, Fisher Papers, Vol. 1, 167-79; A. M. Roseborough, April 6, 1868, Fisher Papers Vol. 1, 6; E. S. Parker to Hon. J. D. Cox, December 23, 1869, *Report of the Commissioner of Indian Affairs Made to the Secretary of the Interior for the Year 1869* (Washington, D.C.: Government Printing Office, 1870), 15; Riddle, *Indian History*, 31; E. J. Steele to Dear Brother, May 26, 1873, in *Official Copies of Correspondence Relative to the War with Modoc Indians*, 1872-3, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 304; E. Steel[e] to the Commanding Officer at Fort Klamath, August 28, 1865, Fisher Papers Vol. 1, 1-2.

and Oklahoma as their delegate to Washington, D. C. demonstrated how Modoc political traditions were modified and maintained in the early twentieth century.[404]

In 1954, Congress terminated the Modoc band and the Klamath Tribe through the Klamath Termination Act. The band were particularly struck by the termination. Bill Follis explained in an interview for the Modoc Nation's documentary *Modoc Nation: An Untold Story of Survival*, that when the federal government terminated the band, the community "lost all of our privileges of Indian health service, education, social programs."[405] These federal programs were meant to help the Modoc and other tribal communities, but once a tribe was terminated by the federal government, its members lost access to these resources and were left to help themselves. The Modoc band were not the only tribal community in northeastern Oklahoma to lose their federal status, as the Peoria, Wyandot, and Ottawa tribes were also terminated in 1956. As a result of termination, like the Modoc these tribal communities lost access to programs meant to

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[404] "Crawford Bill," October 30, 1945, 2, https://oregonnews.uoregon.edu/lccn/sn99063813/1945-10-30/ed-1/seq-2/#words=bill+BILL+Crawford+CRAWFORD; *Hearings Before the Subcommittee on General Bills of the Committee on Indian Affairs House of Representatives, Seventy-Fourth Congress First Session on H. R. 7781 and Other Matters, February 11, 1935* (Washington: Government Printing Office, 1935), 5-8, 126-8, 133-5, 140-1, 146, 152-5, 173-4, 177, https://babel.hathitrust.org/cgi/pt?id=mdp.35112104228327&seq=1; "Ickes Accepts Ouster Order for Crawford," *The Evening Herald* (Klamath Falls), April 30, 1937, 1, 5, https://oregonnews.uoregon.edu/lccn/sn99063812/1937-04-30/ed-1/seq-1/#words=ICKES+Ickes; "Klamath Indians Elect Delegates," *Herald and News* (Klamath Falls), November 2, 1945, 1-2, https://oregonnews.uoregon.edu/lccn/sn99063813/1945-11-02/ed-1/seq-1/#words=Crawford+Wade; Hale Scarbrough, "Indians Map Anti-Liquidation Stand To Be Made At Congressional Hearing," *Herald and News* (Klamath Falls), August 1, 1947, 1, 6, https://oregonnews.uoregon.edu/lccn/sn99063813/1947-08-01/ed-1/seq-1/#words=Anti+Liquidation; "Testimony of William Crawford," November 16, 1928 in *Hearings Before a Subcommittee of the Committee on Indian Affairs United States Senate Seventieth Congress Second Pursuant to S. Res. 79 A Resolution Directing the Committee on Indian Affairs of the United States Senate to make a General Survey of the Conditions of the Indians of the United States, Part I: Yakima, Wash., and Klamath Falls, Ore., November 12, 13, and 16, 1928* (Washington, D. C.: Government Printing Office, 1929), 258-62, 2 325-6, Google books.

[405] Bill Follis, interview, in *Modoc Nation: An Untold Story of Survival* (Sextons Creek Productions, 2021), 32:20-8, https://modocfilm.com/.

help tribal members find jobs or education. Robert Alexander mentioned in his response to the Senate after the hearing on S. 661 that a Native woman who was part of one of the terminated tribes – he did not state which one – was turned away from an Indian hospital since she belonged to the tribe.[406] Follis and Alexander's stories demonstrated the impact of termination on Native communities: losing access to resources provided by the federal government that were meant to help Native peoples in the name of supposed "freedom" defined by the government.

According to Robert Alexander, the business manager for the future Intertribal Council, the four Oklahoma tribes were terminated under controversial circumstances. According to Alexander in his testimony to the Senate hearing over restoration, termination was not in his words "a tribal doing" because termination was sold on false promises when Natives voted for it. In his response to the Senate after the hearing, he further explained that according to the Peoria, Ottawa, and Wyandot tribes, termination violated their constitutions that were supported by the Oklahoma Indian Welfare Act of 1936. In essence, the federal government lied to the tribal nations about termination and although sold as a way to help the tribes, in reality it hurt them since the three nations pointed to their constitutions that called on the government to support each one's well-being.

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[406] An act to convey certain land of the United States to the Inter-Tribal Council, Incorporated, Miami, Oklahoma, Public Law 93-588, S. 2888, January 2, 1975, https://www.congress.gov/93/statute/STATUTE-88/STATUTE-88-Pg1920-3.pdf; Robert Alexander, "Tribal Response to Hearings Conducted by the Select Committee on Indian Affairs of the United States Senate to S-661," September 27, 1977, in *Hearing before the United States Senate Select Committee on Indian Affairs Ninety-Fifth Congress First Session on S. 661 To restore Federal recognition of certain Indian tribes, and for other purposes*, September 27, 1977 (Washington, D. C.: Government Printing Office, 1977), 23

In the case of the Modoc band, the older tribal members were not really informed about termination. According to Follis in his testimony to Congress, the band was never consulted on it.[407] This admission by Follis highlighted the political distance between Wade Crawford and the band – as well as most of the Klamath Tribe– in that one tribal leader mostly negotiated policies with federal officials and Congressmen in Washington, D. C. while most of his tribal nation back in Oregon opposed his ideas. In fact, the majority of tribal members in Oregon consistently voted down Crawford's attempts to liquidate the Klamath Tribe, which showed how out of touch he was with the tribal nation. To be clear, Crawford did not hate his tribe; he saw termination as a way for his nation to protect their resources from outsiders and the federal government. Still, the majority of the Klamath Tribe opposed any efforts of termination up until the Klamath Termination Act, and most only voted for termination since Senator Arthur Watkins held up approving a judgment of $2.6 million for the tribe against the United States unless they agreed to the bill. It was worse for the Modoc band in the Southwest since Crawford never consulted with them about termination. His efforts to terminate the Klamath Tribe and his hostilities with tribal members demonstrated that he failed as a laGi for his people.[408]

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[407] Robert Alexander, "Tribal Response to Hearings Conducted by the Select Committee on Indian Affairs of the United States Senate to S-661," September 27, 1977, in *Hearing before the United States Senate Select Committee on Indian Affairs Ninety-Fifth Congress First Session on S. 661 To restore Federal recognition of certain Indian tribes, and for other purposes*, September 27, 1977 (Washington, D. C.: Government Printing Office, 1977), 26-7; Bill Follis, "Modoc Tribe," in *Hearing before the United States Senate Select Committee on Indian Affairs Ninety-Fifth Congress First Session on S. 661 To restore Federal recognition of certain Indian tribes, and for other purposes*, September 27, 1977 (Washington, D. C.: Government Printing Office, 1977), 83; *Hearing*, September 27, 1977 (Washington, D. C.: Government Printing Office, 1977), 15.

[408] A Bill for the Incorporation of the Klamath Indian Corporation, and for other purposes, in *Documents of Native American Political Development: 1500s-1933*, edited by David E. Wilkins (New York: Oxford

It was these efforts by Crawford that showed that the story of termination for the Modoc band was more complicated than what Alexander argued to Congress, in that termination was not a "tribal doing." In the case of the band, they themselves were never even consulted about it. Instead, their tribal delegate negotiated for it, and although Congress passed the Klamath Termination Act in the end, it is hard to argue that Crawford's consistent lobbying for liquidation did not make an impact. Indeed, Indigenous and federal officials played a role in the termination of the Modoc band in Oklahoma and the larger Klamath Tribe.[409]

After the United States terminated the Klamath Tribe, the Modoc band turned to their traditions. They looked to their community leader, who at the time was Vernon Dutch Walker, for direction because according to Follis, the band viewed Walker as "kind of the advisor to the tribe."[410] Follis' comment illustrated that the Modoc band continued to view their leaders as their advisors – as individuals who led the community through

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University Press, 2009), 454-7; "Crawford Bill," October 30, 1945, 2; Deloria, Jr., *Custer Died For Your Sins*, 63-8; Hale Scarbrough, "Indians Map Anti-Liquidation Stand To Be Made At Congressional Hearing," *Herald and News* (Klamath Falls), August 1, 1947, 1, 6; "Statement of Wade Crawford, Klamath, Oreg.," February 11, 1935, in *Hearings Before the Subcommittee on General Bills of the Committee on Indian Affairs House of Representatives, Seventy-Fourth Congress First Session on H. R. 7781 and Other Matters, February 11, 1935* (Washington: Government Printing Office, 1935), 5-8; "Testimony of William Crawford," November 16, 1928, *in Hearings Before a Subcommittee of the Committee on Indian Affairs United States Senate Seventieth Congress Second Pursuant to S. Res. 79 A Resolution Directing the Committee on Indian Affairs of the United States Senate to make a General Survey of the Conditions of the Indians of the United States, Part I: Yakima, Wash., and Klamath Falls, Ore., November 12, 13, and 16, 1928* (Washington, D. C.: Government Printing Office, 1929) 258-62; Wilkins, 453-4.

[409] "Crawford Bill," October 30, 1945, 2; *Hearing*, September 27, 1977 (Washington, D. C.: Government Printing Office, 1977), 15; Scarbrough, "Indians Map Anti-Liquidation," August 1, 1947, 1, 6.

[410] Follis, interview, *Modoc Nation: An Untold Story of Survival* (Sextons Creek Productions, 2021), 32: 30-46, https://modocfilm.com/.

challenging times, like Kintpuash and Ben Lawver. In this case, tribal elders like Walker advised the band to be cautious about what the federal government was doing.[411]

The Modoc band demonstrated its political agency in response to termination by forming political relationships with other tribes in northeastern Oklahoma as well as establishing its own tribal government. In 1967, the band and the surrounding tribal communities in northeastern Oklahoma formed the Intertribal Council of Oklahoma. The band also formed their own tribal government, though the federal government did not formally recognize it. Despite this, the Modoc tribal government maintained aspects of traditional Modoc political structure, especially its leadership. The government was led by a chairman, and the first chairman was Bert Hayman, a son of Cora Hayman. Hayman was succeeded by Vernon Dutch Walker, the grandson of Long Jim, who was the youngest Modoc fighter during the Modoc War. Although not officially called a "laGi," the chairman still assumed the role of laGi because he represented the band, and like the traditional laGi, was directly elected by Modoc Natives, which illustrated the cultural resilience of the band. The tribal government and chairman demonstrated that the band maintained their political traditions as a means to keep their community together.[412]

An important thing to note is that before the band established their formal government in the 1960s, for some time they governed themselves by consensus and had

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[411] Bill Follis, "Modoc Tribe," in *Hearing before the United States Senate Select Committee on Indian Affairs Ninety-Fifth Congress First Session on S. 661 To restore Federal recognition of certain Indian tribes, and for other purposes*, September 27, 1977 (Washington, D. C.: Government Printing Office, 1977), 84.

[412] *Modoc Nation: An Untold Story of Survival* (Sextons Creek Productions, 2021), 29:58-30:19, https://modocfilm.com/; Patricia Trolinger, "Modoc," in *The History of Ottawa County*, by Velma Nieberding (Marceline, MO: Walsworth Pub. Co, 1983), 260.

a laGi/leader. In his report for 1902, Indian agent Horace Durant noted that each of the tribal nations of the Quapaw Agency, which included the Modoc, had a chief and tribal council. Although Durant did not specifically state who the "chief" was or the council, the investigative report of Charles Hood in 1919 indicated that Ben Lawver was the laGi of the band at the time of Durant's report. The report mentioned further that the Modoc held a council, in which Lawver and the Natives explained how the Modoc could be reenrolled in the Klamath Tribe. This council voted to send Hood as their delegate to D. C., which clearly illustrated that the Modoc continued governing through consensus. When reading Durant's report and the investigation, one can conclude that while the band did not have a formal tribal government, they still maintained their traditional governing body led by a laGi where decisions were made via consensus. The "tribal council" Durant referred to in his report from 1902 most likely referred to one of these councils called by Lawver.[413] All of this is to say that although the federal government never recognized

[413] Daniel Clinton, in *Letter from the Secretary of the Interior, Transmitting Pursuant to Law, a Communication submitting a Report of an Investigation of the Claim of Charles Hood, Half-Blood Modoc Indian, for Payment for Alleged Services Performed by Him*, 66th Congress, 2nd Session, Document no. 183, Senate Documents Vol. 14 (Washington, D. C.: Government Printing Office, 1920), 14; Jennie Clinton, "Statement of Jennie Clinton, in *Letter from the Secretary of the Interior, Transmitting Pursuant to Law, a Communication submitting a Report of an Investigation of the Claim of Charles Hood, Half-Blood Modoc Indian, for Payment for Alleged Services Performed by Him*, 66th Congress, 2nd Session, Document no. 183, Senate Documents Vol. 14 (Washington, D. C.: Government Printing Office, 1920), 13; Durant to Commissioner of Indian Affairs, August 12, 1902, 189; Henry Hudson, in *Letter from the Secretary of the Interior, Transmitting Pursuant to Law, a Communication submitting a Report of an Investigation of the Claim of Charles Hood, Half-Blood Modoc Indian, for Payment for Alleged Services Performed by Him*, 66th Congress, 2nd Session, Document no. 183, Senate Documents Vol. 14 (Washington, D. C.: Government Printing Office, 1920), 26; Cora Hayman, in *Letter from the Secretary of the Interior, Transmitting Pursuant to Law, a Communication submitting a Report of an Investigation of the Claim of Charles Hood, Half-Blood Modoc Indian, for Payment for Alleged Services Performed by Him*, 66th Congress, 2nd Session, Document no. 183, Senate Documents Vol. 14 (Washington, D. C.: Government Printing Office, 1920), 10; Etta Stanley, in *Letter from the Secretary of the Interior, Transmitting Pursuant to Law, a Communication submitting a Report of an Investigation of the Claim of Charles Hood, Half-Blood Modoc Indian, for Payment for Alleged Services Performed by Him*, 66th

Modoc band leaders – whether they be laGis or chairmen – or the band's tribal government established in 1967, the fact that the band continued to recognize laGis and govern through consensus illustrated the cultural resilience of the community because they maintained sociopolitical structures that had kept Modoc bands together since before the arrival of Americans in the West.

In 1973, Bill Follis succeeded Walker as Chairman of the band, and he and his fellow community members set out to restore their sovereignty. He and his family wrote letters to state and federal legislators to raise awareness of their cause and push for restoration. Follis also traveled to Washington, D. C. at his own expense to negotiate for restoration and represent his community. One of the trips he would take would be in 1977, where he and other leaders of the four Native nations testified before the Senate over S. 661. His actions demonstrated that he took his role as the band's leader seriously because he acted on behalf of his community and worked for their restoration, and he proved to be an effective laGi.[414]

Although the fight would take years, the changing winds in Washington, D. C. with regard to federal Indian policy blew in favor of the band and other Native nations because of self-determination. Self-determination meant Native communities could manage their own tribal affairs in cooperation with the federal government, albeit they had more control over their resources and governance. This type of policy originated during the Johnson Administration, where President Lyndon B. Johnson provided

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Congress, 2nd Session, Document no. 183, Senate Documents Vol. 14 (Washington, D. C.: Government Printing Office, 1920), 9.

[414] *Hearing*, September 27, 1977), 11, 15, Google books; Jack Shadwick, interview, in *Modoc Nation: An Untold Story of Survival* (Sextons Creek Productions, 2021), 34:08-23, https://modocfilm.com/.

resources for Native nations as part of his War on Poverty. These resources helped Native communities manage their institutions on their own, and in some nations like the Navajo, establish educational institutions like Navajo Community College. Indeed, self-determination was a significant break from termination.[415]

Self-determination took off during the Nixon administration and continued after it. Richard Nixon, originally a supporter of termination, came out in support of self-determination because of a life-long empathy for Native Americans. During his administration, Nixon returned thousands of acres of land to Native nations, like the Taos Pueblos, and also restored the Menominee Tribe in 1973 after Congress passed the Menominee Restoration Act. His successor, Gerard Ford, though not a supporter of self-determination, continued the policy, in which he signed the Indian Self-Determination and Education Assistance Act of 1975 in January of that year. This bill directed the Bureau of Indian Affairs and Indian Health Service to contract with Native nations to manage programs, in that a nation could contract with the BIA to receive funding and do their own work. It gave these communities the power to manage their own affairs while cooperating with the federal government – a clear sign that it abandoned termination in favor of self-determination.[416]

Two bills that reflected the period of self-determination for the band were Public Law 93-586 and Senate Bill 661. Congress passed Public Law 93-586 in January 1975,

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[415] Blackhawk, *The Rediscovery of America*, 437, 439.
[416] George Pierre Castile, *To Show Heart: Native American Self-Determination and Federal Indian Policy, 1960-1975* (Tucson: University of Arizona Press, 1998), 73-6, 100-4, 148-52; *Hearing*, September 27, 1977, 1, 12-6, Google books; Charles W. Wilkinson, *Blood Struggle: The Rise of Modern Indian Nations* (New York: W. W. Norton & Company, 2005), 189-95, 197.

which stated that the United States would hold the lands in trust for the following Native nations in Ottawa County, Oklahoma: the "Seneca-Cayuga Tribe of Oklahoma, Quapaw Tribe of Oklahoma, Eastern Shawnee Tribe of Oklahoma, Miami Tribe of Oklahoma, Peoria Tribe of Indians of Oklahoma, Ottawa Tribe of Oklahoma, Wyandotte Tribe of Oklahoma, and Modoc Tribe of Oklahoma" provided that the tribes would not be subjected to the laws that terminated them. In the case of the Modoc Tribe, the act specifically stated that the nation would not have a right to the land until "a Modoc Tribe of Oklahoma is organized and federally recognized," and "if five years after the enactment of this Act, such Indians are still subject to each section and such tribe has not been so organized and recognized."[417] In essence, the federal government would not grant the land to the Modoc band unless they organized themselves into a federally recognized tribal nation.

The other bill was Senate Bill 661, which outlined the restoration of the Modoc, Peoria, Ottawa, and Wyandotte nations. This bill would restore their medical benefits promised to them as Native nations, and in terms of the Modoc Tribe, it would extend to them the benefits promised by the Oklahoma Indian Welfare Act of 1937. Both of these bills clearly repudiated the termination era that brought hardships to the Modoc band and their fellow Native nations because they clearly outlined how the government would restore their lands and tribal benefits. For the band in particular, the government gave them an opening: if they organized themselves into a nation, then they would be restored.

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[417] An act to convey certain land of the United States to the Inter-Tribal Council, Incorporated, Miami, Oklahoma, Public Law 93-588, S. 2888, January 2, 1975, 1920-1, https://www.congress.gov/93/statute/STATUTE-88/STATUTE-88-Pg1920-3.pdf.

Although the band had established their own tribal government with an elected leader, their chairman and government were never recognized by the United States. However, the federal government that had long ignored their political agency gave them the opportunity to show this agency.[418]

Before Follis went to Washington, D. C. to testify in favor of S. 661, in 1975 the Modoc band drafted a tribal constitution, which Follis ratified on May 12 of that year. According to Robert Alexander, the band based their constitution off of the Klamath Tribe's Constitution, but the constitution was inherently Modoc because the band incorporated or modified traditional governing practices and ideas.[419] Similar to the Klamath Tribe's constitution that Wade Crawford and other tribal leaders ratified in 1929, the Modoc constitution outlined the political goals and structure of the tribe. One of the significant articles of the document was Article III, which defined tribal membership. According to this article, "persons of Modoc Indian blood" who lived in Oklahoma and whose names appeared on the last rolls of the Modoc Indian roll "finalized" before the Klamath Termination Act – along with their children born before and after the rolls – were members of the Modoc Tribe. Article III also permitted citizenship to a child or children born to Modoc tribal member. This article demonstrated that the Modoc band

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[418] A Bill to restore Federal recognition of certain Indian tribes, and for other purposes, S. 661, 95th Congress, 1st Sess., February 7, 1977, 2-5; "Four Oklahoma Tribes in Bid for Restoration," *Wassaja* (San Francisco), May 1976, 15, https://www.indigenousnewspapersinnorthamerica.amdigital.co.uk/Documents/Images/SNRC_WSJA_1973-1977_ED035/15.

[419] Alexander, "Tribal Response," in *Hearings*, September 27, 1977, 24, Google books.

saw themselves as their own tribal nation separate from the Klamath Tribe, which itself upheld the political tradition of Modoc band autonomy.[420]

The constitution also outlined the executive body of the tribe, which was referred to as the Business Committee. The committee consisted of five executive officers: the "Chief, Vice-Chief, Secretary/Treasurer, and two Councilmen (a first and second)." The political body referred to as the Business Committee was similar to the main political body that maintained tribal affairs and business of the Klamath Tribe: the Klamath Business Committee. This indicated that the tribal government would handle both political and business matters of community, similar to that of the Klamath Tribe's Business Committee, and that the band looked to their kinsmen's constitution for inspiration.[421] According to the constitution, the chief served as the "principal officer" of the tribe as well as the "presiding officer" of the business committee. The Chief was responsible for conducting meetings and handling business matters brought before the committee. Although American officials frequently referred to Modoc laGis like Kintpuash or Ben Lawver as "chiefs" in their respective reports of the band, this would be the first time that the band called their leader a "chief." While not specifically called "laGi," the chief assumed the role of the laGi because he was an executive official elected by the tribe and heard matters brought before him – similar to that of the traditional laGi.

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[420] Constitution and By-Laws of Modoc Tribe of Oklahoma, May 12, 1975, in *Hearing before the United States Senate Select Committee on Indian Affairs Ninety-Fifth Congress First Session on S. 661 To restore Federal recognition of certain Indian tribes, and for other purposes*, September 27, 1977 (Washington, D. C.: Government Printing Office, 1977), 38, Google books.
[421] Constitution and Bylaws of the Klamath Business Committee, 443-6.

His name might have changed, but the role and responsibilities of the laGi remained, thus illustrating the resilience of the band.

Other elected leaders made up the tribal government. The Vice-Chief served as the "principal officer" of the tribe in the absence of the Chief and would be available at his call. It would be their responsibility to handle the role of the Chief while he was away from his post. The Secretary/Treasurer of the tribe was tasked with handling the financial matters of the tribal nation, but was also responsible for maintaining records of the committee and handling correspondence regarding "tribal affairs." Furthermore, this officer was responsible for providing minutes of meetings to federal officials – thus maintaining a Modoc-American relationship. This responsibility of the Secretary/Treasurer indicated the tribe's goal of returning to a diplomatic relationship with the United States like that of the band under Kintpuash in the nineteenth century as well as Ben Lawver in the early 1900s, in that the tribe itself – not the Klamath Tribe – handled matters with the United States. Lastly, the constitution defined the powers of the First and Second Councilmen, in that they served as voting members of the committee. Each of these officers served for a four-year term, and could be reelected or voted out – thus illustrating the democratic sphere of the governing body.[422]

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[422] Ed. R. S. Canby to Gen. W. T. Sherman, March 16, 1873, in US House of Representatives, *Official Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 72; Ed. R. S. Canby to Col. W. D. Whipple, March 24, 1873, in US House of Representatives, O*fficial Copies of Correspondence Relative to the War with Modoc Indians, 1872-3*, 43rd Cong. 2nd sess., H. R. No. 131, 1874, 74; Constitution and By-Laws of Modoc Tribe of Oklahoma, May 12, 1975, 40; John Meacham to A. B. Meacham, August 21, 1871, Fisher Papers, Vol. 1, 58-62; "Report of Conversation, between, Colonel Otis Mr J. N. High sub agent Klamath Indian agency and Mr J. D. Applegate Commissary, Yainex Agency Oregon, at the Gap on Lost-River Oregon on the 3d of April 1872, with Captain Jack the Chief of the Modoc Indians and about Thirty five of his Indians," April 3, 1872, Fisher Papers, Vol. 1, 167-79; Riddle, *Indian History*, 31; E. J. Steele to Dear Brother, May 26, 1873, 304.

The constitution further outlined tribal meetings and how they would be conducted, while also explaining the consensus nature of the tribal nation. According to Article IX, tribal meetings would always be held in June in the Intertribal Council Office in Miami, Oklahoma – the political center of the Modoc Tribe like Chiloquin, Oregon was for the Klamath Tribe – and the Chief would determine the dates. Regular meetings would start at ten in the morning, and notices would be mailed to all tribal members to inform them. The notices would also include the matter of the meeting, and members could attend. These meetings reflected two traditions of the Modoc political band: the laGi – now the Chief – called the meeting to settle an issue, and the continuance of consensus in the band, where Modoc Natives could attend meetings and participate.[423]

This participation could be further seen in two other articles: Articles X and XIV. Article X stated that any "action of the Business Committee may be reversed by the Tribe, PROVIDED: two-thirds of eligible voting members of the tribe vote for the reversal; provided further, that any action taken by the Business Committee shall be final unless reversed by the Tribe within 90 days following the action of the Business Committee." According to this article, tribal members had the power to reverse a decision or action by the committee through majority vote – a clear illustration of the continuing power of consensus for the Modoc band. Article XIV outlined the process of adopting amendments to the tribal constitution, which stated that "Amendments" could "be proposed at any annual meeting of the Modoc Tribe of Oklahoma and voted upon at the

[423] Constitution and By-Laws of Modoc Tribe of Oklahoma, May 12, 1975, in *Hearings*, September 27, 197742, Google books.

next succeeding special or annual meeting of the tribe." Similar to how Modoc Natives could bring issues before the laGi and community, the constitution permitted tribal members to bring issues before the community that could be addressed and voted upon.[424]

The constitution of the Modoc Tribe confirmed two major points about the band. Firstly, the community maintained traditional sociopolitical positions, like the Chief of the tribe. Tribal members could vote for the Chief and other executive officers of the committee – a continued tradition that dated back before the arrival of America settlers. The Chief also called meetings to discuss matters of the community – meetings that tribal members could attend and participate in to contribute to the meeting. In addition, tribal members could also vote to remove committee officers they deemed unfit – two other traditions that dated back to before the arrival of settlers.

Secondly, the band modified their traditional governing body to adapt to changing times. This was reflected through the additional positions on the committee: the Treasurer/Secretary, two Councilmembers, and Vice Chief. In traditional Modoc bands, the main leaders were the laGi, war leader, and shaman. Now, the Tribe introduced more leadership positions as a means of accommodation. As for voting, this had long been a Modoc tradition, but what changed was the introduction of the secret ballot. Traditionally, voting in Modoc bands was done through voice consensus; now the Tribe counted ballots. Not only that, but now women could vote as well, whereas previously women could only

[424] Constitution and By-Laws of Modoc Tribe of Oklahoma, May 12, 1975, in *Hearings*, September 27, 1977, 42, 43, Google books.

contribute to decisions. Overall, the Modoc band wrote their political traditions into the constitution, as well as amended some of them.[425]

With their constitution ratified, the Modoc took their fight for restoration to Washington D.C. in 1977. That year in September, Bill Follis, along with three other Native leaders from the neighboring nations testified before the United States Senate alongside Robert Alexander and their attorney, John Ghostbear. Also testifying was Forrest J. Gerard, the assistant secretary for Indian Affairs. He testified before Alexander and Ghostbear, and he lent his support for S. 661. Gerard told the Senate he supported the bill because it would restore the four tribal nations, and pointed out that policy-wise, it would make sense since Congress had passed legislation that repudiated termination and supported Native self-determination, such as the Indian Self-Determination and Education Assistance Act.[426] His comments indicated that the Carter administration supported self-determination and would restore the Modoc and the three other tribal nations.

Robert Alexander and John Ghostbear then testified before the Senate. Alexander introduced the four Native leaders to the politicians, and discussed the effects of termination on the four Native nations. He mentioned the Native woman being turned away from Indian health services since she was a member of one of the terminated nations. He further mentioned that termination especially impacted the young people because termination closed employment and educational programs to them. As a result,

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[425] Constitution and By-Laws of Modoc Tribe of Oklahoma, May 12, 1975, in *Hearings*, September 27, 1977, 41-3, Google books; James, "Cheewa James Oral History," 2:33-49, https://www.youtube.com/watch?v=24xog279C78; Ray, *Primitive Pragmatists*, 3-9.
[426] *Hearing*, September 27, 1977, 11, Google books.

Alexander and his colleagues turned away young Natives, who had to go look for other programs that were scarce. Alexander pointed out that the four leaders were "trying their best to upgrade their tribes," and that he was proud to work with them. Overall, Alexander made the case for restoration by explaining the effects of termination on the Native communities he witnessed firsthand, which gave credence to restoring the four nations.[427]

Ghostbear and Alexander also testified in support of an amendment to Section 3 of S. 661 because it concerned how the federal government defined the Modoc Tribe. Section 3 stated that the Modoc Tribe of Oklahoma "would consist of both Modoc Indians who were alive and whose permanent residences were in Oklahoma on August 13, 1954, as determined by the Secretary, and the descendants of such Indians who otherwise meet the membership requirements adopted by the Tribe."[428] The amendment clearly defined that Modoc tribal members would consist of those Modoc Indians who lived in Oklahoma at the time of the last rolls before the Klamath Termination Act. However, the Modoc Tribe pushed for an amendment that clarified their citizenship. Their amendment read that the Modoc Tribe of Oklahoma would consist of the descendants of the Modoc Natives removed to Indian Territory/Oklahoma in November 1873 and did not return to the Klamath Reservation in 1909.[429] The reason why the nation pushed for this amendment was because many of their kinsmen still lived in Oklahoma, Missouri, Kansas, and even Arkansas at the time of termination, and the amendment

[427] *Hearing*, September 27, 1977, 13, 15, Google books.
[428] *Hearing*, September 27, 1977, 13, Google books.
[429] *Hearing*, September 27, 1977, 14, Google books.

would allow those descendants to enroll in the Modoc Tribe, as Alexander and Bill Follis made clear to the Senate in their respective responses.[430]

The push for the amendment by the tribe demonstrated that the Modoc band saw themselves as separate from the Klamath Tribe because the band rebuilt their own community in Indian Territory/Oklahoma with their own tribal government and leadership that paralleled Modoc political tradition. The fact that the band saw themselves as separate from the Klamath Tribe was itself a continuation of band autonomy among the Modoc people since there never was a united Modoc nation in the first place. Instead, the people had always lived in scattered, autonomous bands, but the United States rounded them up along with Klamath and Paiute Natives and removed them all to the Klamath Reservation in 1864, where the federal government kept them as one people. Yet the Modoc band always saw themselves as their own community, as evidenced when Kintpuash led them back to California in 1865 and 1870, and when the community established their own tribal government in 1967. Indeed, the amendment reinforced their desire to maintain their own, autonomous Indigenous nation.[431]

Each of the Native delegates shared some words at the hearing. Follis pointed out that the Modoc Tribe hoped to be "reinstated" since they were never consulted about

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[430] Follis, "Modoc Tribe," 85, in *Hearings*, Google books; *Hearing*, September 27, 1977, 14, Google books.
[431] Compton, *Spirit in the Rock*, 37-40; Follis, "Modoc Tribe," 82, in *Hearings*, Google books; James, "Cheewa James Oral History," interview by California Museum, March 25, 2011, video, 2:22-40, https://www.youtube.com/watch?v=24xog279C78; Jimenez, November 12, 2002, interview, Oral Narratives of the Klamath Termination: Individual Elders Reflect on Time and Change, First Nations and Indigenous Studies, University of British Columbia, Vancouver, British Columbia, Canada; *Modoc Nation: An Untold Story of Survival* (Sextons Creek Productions, 2021), 29:58-30:19, https://modocfilm.com/; Riddle, *Indian History*, 37-8; "Siskiyou County," *Sacramento Daily Union*, September 10, 1870, 5, https://cdnc.ucr.edu/?a=d&d=SDU18700910&e=-------en--20--1--txt-txIN--------.

termination. Chief Lewis Barlow of the Ottawa Tribe stated that his community was unable to "take part in any programs or type of program" because of termination. He also stated that he and his people "are not asking for a handout." Instead, "We just want to be recognized as Indians." Mayor Robison of Miami, who was also of the Ottawa Tribe, followed up on Chief Barlow's comments, in which he reaffirmed that "our main situation is that we want to be recognized as an Indian tribe of Oklahoma. We are very proud to represent our State and our people."[432] Overall, the Native leaders shared a similar message: the Native nations wanted to be restored, which illustrated the unity of the four Native nations working together to achieve this goal.

After the hearing, Bill Follis and other Native leaders submitted their responses to the Senate in support of the bill. In his response, Follis outlined why the Modoc Tribe wanted to be restored. He traced their history to their origins in California, and discussed how the federal government removed the band to Indian Territory after the Modoc War. Follis pointed out that even when Congress allowed the band to return to Oregon, many Natives remained in Oklahoma and made it as he described "their permanent home." He also pointed out that even when the government terminated the Klamath Tribe, the band continued to hold their tribal meetings as well as "maintained a strong identity with our ancestors, who were forced to travel by cattle car from northern California to northeastern Oklahoma." Follis' comments indicated that the band had always remembered that they were Modoc, and that they considered themselves to be their own community separate from the Klamath Tribe. This could be further seen in his statement about why his

[432] *Hearing*, September 27, 1977, 15, Google books.

ancestors left the Klamath Reservation: "in the early 1870's, our ancestors elected not to remain on the then designated reservation lands of Oregon." The fact that the band elected to leave illustrates that they left by means of consensus – an important aspect of Modoc political tradition.[433]

Follis concluded his statement by asking the Chairman of the Senate Indian Affairs Committee to consider passing the bill to restore his community's sovereignty. He stated that the Modoc Tribe was "to receive the benefits that are provided to other American Indian tribes and tribal members because of their status as Indians, the services and benefits provided by the federal government." Follis clearly stated the goal of the Modoc Tribe: to be restored as the sovereign nation they had always been, or as he put it, a "separate and distinct tribal entity."[434]

After the Native leaders and federal officials testified, the Senate voted in favor of the bill. The bill passed through the House, which also voted in favor of it. In May 1978, Congress passed the bill, and President Jimmy Carter signed it, which restored the Modoc, Peoria, Ottawa, and Wyandot nations of Oklahoma. Bill Follis became the first recognized Chief of the Modoc Tribe of Oklahoma, as well as the first federally-recognized leader of the nation since Bogus Charlie in 1880. Of course, the band still recognized their own laGis in the time between Bogus Charles and Follis, especially Ben Lawver, Bert Hayman, and Vernon Dutch Walker – as well as continued their own consensus councils. Indeed, the band continued to maintain their traditional politics even

[433] Follis, "Modoc Tribe," 82-6, in *Hearings*, September 27, 1977, Google books.
[434] Follis, "Modoc Tribe," 82-6, in *Hearings*, September 27, 1977, Google books.

when the federal government refused to recognize it for almost a century, thus demonstrating their resilience. Although the band, which became the Modoc Tribe of Oklahoma, regained its sovereignty, it would take almost a decade for the Klamath Tribe to be restored. Eventually in 1986, Congress restored the Klamath Tribe to its sovereign nationhood.[435] Even though the federal government restored the four Native nations, it was the agency of the Native nations who made this happen because they worked together with Robert Alexander to fight for their sovereignty to be restored, and they succeeded.

The restoration of the Modoc Tribe as an autonomous Native nation was not just twenty-years in the making – it was over a hundred years. Since their forced removal to Indian Territory in November 1873, members of Kintpuash's Modoc band held on to their traditions as they also made adaptations to them. One of these traditions was their political structure, in that the band made decisions through consensus and continued to recognize a laGi. Even when the United States terminated the Klamath Tribe, Modoc Natives in Oklahoma expressed their political agency in their own ways. Firstly, they formally established a tribal government that while not recognized by the federal government, paralleled their traditional political structure: a band led by an elected laGi, who in this case was the chairman.

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[435] "1,000 Indians to get benefits," *Oklahoma City Times*, May 16, 1978, 14, https://gateway.okhistory.org/ark:/67531/metadc1799881/m1/14/?q=modoc; An act to Reinstate the Modoc, Wyandotte, Peoria, and Ottawa Indian Tribes of Oklahoma as federally supervised and recognized Indian tribes, Public Law 95-281, 95th Congress, (May 15, 1978), 246-7, https://www.congress.gov/95/statute/STATUTE-92/STATUTE-92-Pg246.pdf; James, *Modoc*, 255; "'Terminated' Tribes Are Reinstated," *Chickasha Daily Express*, April 12, 1978, 2, https://gateway.okhistory.org/ark:/67531/metadc1868494/m1/2/?q=%22Modoc%22; Trolinger, "History of the Modoc Tribe of Oklahoma," 6.

Secondly, Modoc Natives looked to their chairman to lead them through this crisis. One chairman in particular, Bill Follis, stepped forward for his community. Follis and his fellow tribal members relied on consensus and diplomacy to restore their nation. In terms of consensus, the tribal community worked with the Peoria, Ottawa, and Wyandot tribes to solve termination together through their Intertribal Council, and members wrote their constitution. In terms of diplomacy, Follis traveled to Washington, D. C. to represent the tribe, especially to testify in support of S. 661 in 1978.

Thirdly, the Modoc tribe modified some aspects of their political traditions, which included drafting a constitution that outlined their government that itself upheld their traditional governing body. Not only that, but the band fought to be restored as their own nation separate from the Klamath Tribe, which reflected traditional Modoc society: autonomous bands that made up one Native people. These efforts by the community paid off in 1978, when the United States restored the band as the Modoc Tribe of Oklahoma and also restored the Ottawa, Peoria, and Wyandot nations. Ultimately, it was by maintaining and amending their sociopolitical traditions that kept the Modoc band together and restored them as the sovereign Modoc Tribe of Oklahoma.

Epilogue: The Modoc Nation of Oklahoma since 1978

On October 14, 2022, Bill Follis passed away at eighty-nine years old of complications from COVID-19. For over twelve consecutive terms that totaled almost fifty years, Follis served as the Chief of the Modoc Tribe since 1978. In the memoriam dedicated to Follis, Robert Burkybile III, the second Chief who was elected to succeed Follis earlier that year, noted the work the late Chief accomplished for his nation, such as health care, housing support, and sending first generation students and graduate students on to academic and professional successes. Follis even negotiated a joint compact to operate the Stables Casino, which the Modoc and Miami Nations operate together and helps tribal citizens pay for education and job training. The memoriam indicated that the Modoc Tribe, now called the Modoc Nation, has strongly endured since 1978.[436]

Politically speaking, the Native nation has made accommodations to their political structure. In 2019, the nation adopted a new constitution, along with a new name for themselves: the Modoc Nation of Oklahoma. By referring to themselves as a "nation" as opposed to "tribe," the tribal nation affirmed its sovereignty and its government-to-government relationship with the United States. The constitution has maintained some aspects of the one from 1975, as well as Modoc political tradition overall, but has made some accommodations. Section 2 of Article I of the constitution, which defines the Modoc Nation, declares that all enrolled tribal members of the nation over the age of

[436] Robert Burkybile III, "In Memoriam – Bill Follis," in *Blaiwas* Winter 2022, Vol 1, Issue 1, 3; Molly Young, "Bill Follis, who led the Modoc Nation in northeastern Oklahoma for nearly 50 years, dies," *The Oklahoman*, October 12, 2022, updated October 20, 2022, https://www.oklahoman.com/story/news/2022/10/19/modoc-chief-bill-follis-led-nation-nearly-50-years-dies/69569884007/.

eighteen make up the Tribal Council, while Section 4 of Article IX declares that tribal members eighteen and older are eligible to vote. These sections illustrate the Modoc tradition of direct democracy that Cheewa James referred to in her oral history from 2011, in that any member of a Modoc band could participate in society and decide upon its fate. The difference now though is that while women could not vote in traditional Modoc democracy, now they can, and they can also be elected to positions in the Elected Council.[437]

The Tribal Council, or the people, decide upon the Elected Council – which represents all Modoc Nation tribal members – as well as the Tribal Judge. The Elected Council is made up of five officials, who are directly elected by eligible tribal members via secret ballot: the Chief, Second Chief, Secretary/Treasurer, and two Council Members. The Chief still serves as the laGi of the tribal nation, in that he is the elected leader and spokesperson of his nation. Though the Vice Chief's official name has now become "Second Chief," he still assume the same responsibilities as the Vice Chief: assuming duties of the Chief if the Chief is unable to govern. The Secretary/Treasurer follows the same duties as the Secretary/Treasurer of 1975 – recording the proceedings of tribal meetings and preserving financial records.[438] Indeed, except for some name changes, the executive governing body remains consistent with 1975.

[437] Constitution of the Modoc Nation, 1-2, ratified January 2019, https://modocnation.com/wp-content/uploads/2020/04/Modoc-Nation-Constitution.pdf; James, "Cheewa James Oral History," interview by California Museum, March 25, 2011, video, 2:37-49, https://www.youtube.com/watch?v=24xog279C78
[438] Constitution of the Modoc Nation, 3, https://modocnation.com/wp-content/uploads/2020/04/Modoc-Nation-Constitution.pdf.

One addition to the nation's tribal government is a judicial department, which is made up of one judge who wields the legal power for the Native nation. Like the executive officials, the judge is directly elected by tribal citizens. The Tribal Judge is not a member of the tribal council, and it is their official responsibility to hear and decide upon any issue that arises under any part of the constitution or legislation that has been passed. According to Section 3 of Article VIII, the decisions of the Tribal Judge "shall be final," which illustrates the significant legal authority the judge holds in the nation. The addition of a judge to the Modoc Nation lends political credibility to its status as a sovereign nation like the United States, which relies not just on legislators to maintain checks and balances, but also on judges who interpret the law.[439]

The constitution further outlines traditional aspects of Modoc politics. Article X outlines tribal meetings, which are held to discuss the matters of the nation. Special Tribal Council meetings can be called by the Chief, but according to Section 2, the process is more democratic now because the Chief must have the support of the majority of the Elected Council or the "written request of ten (10) members of the Modoc Tribal Council." In essence, the Chief cannot declare a special meeting on his own as in traditional Modoc band politics – now he must have the support from either fellow officials or tribal citizens. This makes the process more democratic.[440]

As with the 1975 constitution, tribal citizens have the power to propose and submit legislation and amendments to the Elected Council, as well as hold the power to

[439] Constitution of the Modoc Nation, 4, https://modocnation.com/wp-content/uploads/2020/04/Modoc-Nation-Constitution.pdf.
[440] Constitution of the Modoc Nation, 5, https://modocnation.com/wp-content/uploads/2020/04/Modoc-Nation-Constitution.pdf.

recall elected officials. According to Article XIV, which outlines this process, if the Tribal Council wants to propose legislation to the Elected Council, then it must submit a petition signed by "at least a third (1/3) of registered voters." Article XIV further declares that thirty days after receiving the petition, the Chief calls a special election held "in conjunction with a special meeting of the Modoc Tribal Council," and the petition can pass with a majority of voters. According to Article XVII, the constitution can be amended by majority vote of eligible voters, and amendments are to be proposed by a "petition, signed by at least ten (10) members of the Modoc Tribal Council, or majority vote of the Modoc Elected Council."[441]

Finally, tribal citizens hold the power to recall and remove elected officials like in traditional Modoc band politics. According to Article XIII, any member of the Elected Council or the Tribal Judge may face recall if a petition signed by ten eligible voting members of the Tribal Council is filed by the Chief that demands a recall. However, the 2019 constitution streamlines the recall process, in that evidence must be provided, and after hearing the evidence, the Tribal Council decides whether or not to recall the official by majority vote. This allows for a more equitable environment, in that evidence has to be provided to argue for or against a case, thus making the process more democratic. As for removal, the Elected Council can start this process by "calling for a special meeting of the Modoc Tribal Council." Like the recall process, evidence must be provided for the case, and after hearing both sides, the Tribal Council can remove the official from office

[441] Constitution of the Modoc Nation, 7, https://modocnation.com/wp-content/uploads/2020/04/Modoc-Nation-Constitution.pdf.

if they reach a vote.[442] Overall the constitution adopted by the Modoc Nation of Oklahoma in 2019 reflects the political traditions of the Modoc people, while also making accommodations to better suit their nation.

Economically speaking, the tribal nation has leaned on their tradition of gambling to increase revenue for their community. Gaming or gambling has long been a part of Modoc culture that the nation has utilized to improve their socioeconomic stability. Bill Follis helped bring about gaming to the tribal nation. In cooperation with the Miami Tribe of Oklahoma, the Modoc Nation operates the Stables Casino in Miami, Oklahoma. Gaming dates back to before settlers arrived in Modoc territories, where Modoc Natives gambled with each other for recreation. After the United States removed Kintpuash's band to Indian Territory, officials found that Modoc Natives gambled with each other after their arrival. When the band's government-appointed laGi, Scarfaced Charley, refused to stop gambling among the Natives, officials replaced him with Bogus Charley, who served until Modoc Natives called for his removal in 1880. In agent D. B. Dyer's reports, he noted that Modoc Indians gambled with each other, and he failed to stop it. Dyer did not understand that gambling had been a longtime Modoc tradition, and the fact that the band continued to gamble in Indian Territory demonstrated their cultural resilience. Today, the Modoc Nation has leaned on that tradition by operating the Stables Casino.[443]

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[442] Constitution of the Modoc Nation, 6, https://modocnation.com/wp-content/uploads/2020/04/Modoc-Nation-Constitution.pdf.
[443] Dyer to the Commissioner of Indian Affairs, August 25, 1880, 88; Dyer to the Commissioner of Indian Affairs, August 21, 1881, 97; Dyer to the Commissioner of Indian Affairs, August 16, 1883, 79; James, *Modoc*, 254; Young, "Bill Follis," *The Oklahoman*,

Another sign of the nation's economic resilience is the Modoc Nation's endeavors in bison-raising. While the Modoc band have long been known for their cattle herds, since 1994 they have been raising bison. According to Cheewa James in her book *Modoc: The Tribe That Wouldn't Die*, the Nation started off with eight buffalo, which increased to one hundred around the time her book was published in 2008. This number has since increased, as the Modoc' tribal newsletter *Blaiwas* for 2024 states that the Nation plans to manage "between 460 to 480 bison" on their farm that spans "1200 acres of range land" in northeastern Oklahoma.[444] The Nation raises bison for meat, which they sell to consumers through their own market they opened in April 2022. According to James, the Modoc Nation "has no cultural ties to buffalo," but the fact they raise it demonstrates the prevailing narrative of the nation: Modoc Natives adapting to new conditions or experiences in their lifetimes.[445]

This resilience dates back to their nation's ancestors. Their ancestors adopted agricultural skills in California when they worked for white settlers to support themselves – skills they brought with them to Indian Territory when the United States removed the band to the region in 1873. These skills became part of their culture since the Modoc continued to raise crops and livestock in the Southwest. Modoc Natives would then sell the literal fruits (in this case, vegetables) of their labor to people in Seneca, Missouri and Baxter Springs, Kansas, which revealed that these cultural adaptations helped the socioeconomic livelihoods of the band. For the Modoc today, raising bison is about

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https://www.oklahoman.com/story/news/2022/10/19/modoc-chief-bill-follis-led-nation-nearly-50-years-dies/69569884007/.

[444] "Modoc Nation Ranch," *Blaiwas* Vol 1 Issue 3, Spring 2024, 2

[445] James, *Modoc*, 254.

maintaining the socioeconomic resilience their ancestors achieved. Bison may never have been part of Modoc culture traditionally speaking, but it has become a part of the Modoc Nation.[446]

Culturally speaking, the nation has maintained key aspects of their history and culture. In 2008, tribal elder and historian Cheewa James published *Modoc: The Tribe That Wouldn't Die*, a history of the Modoc people. In her text, James explored the social and cultural history of the Modoc, as well as Modoc life after the Modoc War. Outside of historical literature, the Modoc Nation has focused on educating the youth about their culture. The Nation hosts language and culture classes in their Gathering Place on their reservation in Miami. The Gathering Place serves as a cultural and historical center for the Nation. Here, Modoc youth and tribal citizens can take language classes to learn Modoc, and also take classes in basket-making, ribbon-skirting, and beading. These classes teach Modoc citizens aspects of their culture and how to continue it, thus ensuring that future generations of Modoc Natives carry on their history and culture. The Gathering Place has also functioned as an exhibit on Modoc history from the Modoc War to the removal of Kintpuash's band. The site includes an allotment map of the reservation lands allotted to Modoc Natives, document storage, and display cases of cultural items. Overall, the Modoc Nation has held on and preserved their culture and history.[447]

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[446] "Modoc Market," *Blaiwas* 2022, 2; "Modoc Nation Ranch," *Blaiwas* , 2; "Modoc Nation Ranch," Modoc Nation, accessed August 28, 2024, https://modocnation.com/modoc-nation-ranch/; "Modoc Market – Miami, OK," Clover, accessed Augst 28, 2024, https://www.clover.com/online-ordering/modocmarket, "Modoc Market – California Nations Indian Gaming Association," California Nations Indian Gaming Association, accessed August 28, 2024, https://cniga.com/associate_members/modoc-market/.
[447] *Blaiwas* Vol 1, Issue 2, 6; *Blaiwas* Vol 1, Issue 3, Spring 2024, 5-6; *Blaiwas* Vol. 1, Issue 4, Winter 2024, 2; James, *Modoc*, 175-80, 181-8, 189-92, 211-7, 221-7, 229-37, 239-47, 251-9.

The Nation has honored its history in other ways. On October 3, 2022, the Modoc Nation engaged in a virtual walk to honor the removal of their ancestors to Indian Territory from Northern California.[448] In 2023, the Modoc Nation acknowledged their Sesquicentennial – their one hundred and fiftieth anniversary of the removal of Kintpuash's band to Indian Territory. As of this writing, the Modoc Nation and Klamath Tribes of Oregon have been working together on this project to honor their shared history. That year on April 15, tribal citizens of the Modoc Nation and Klamath Tribes traveled to the Lava Bed National Monument in Northern California to remember the Modoc War together.[449]

The Nation has also engaged in an annual Ancestral Run, where tribal members travel to Northern California and spend a few days camping in their ancestral homeland. For the Ancestral Run of 2022, the 2023 issue of *Blaiwas* detailed, tribal citizens of the Modoc Nation traveled through sacred Modoc sites in Northern California in October, including the Modoc stronghold in the Lava Beds. The Nation did this again in October 2023, this time with members of the Klamath Tribes, and celebrated their fourteenth annual Ancestral Run in October 2024. For the Modoc Nation, the Ancestor Run is a form of healing because it allows them to connect with their ancestral homeland and honor their ancestors and history. Not only that, but by engaging in cultural events with

[448] *Blaiwas* Vol 1 Issue 1, 5.
[449] Untitled video about Modoc and Klamath trip to Lava Beds Nation Monument, "Videos – Modoc Nation," Modoc Nation of Oklahoma, accessed August 28, 2024, https://modocnation.com/videos/.

the Klamath Tribes of Oregon, the two tribal nations heal and honor their history together.[450]

One of the most significant demonstrations of the tribal nation's cultural resilience has been purchases of their ancestral homeland. For the past few years under Follis' leadership, the Nation has been purchasing parcels of rural lands in Northern California, just as recently as January 2022. That month, the Modoc Nation purchased a ranch near Sheepy Ridge in Northern California, right in the middle of their ancestral homeland, to raise bison. This was one of the few land purchases the Nation made leading up to 2022. Indeed, in the years leading up to ranch purchase, the Modoc Nation purchased parcels of ranch land around Barntop Mountain in Northern California along the California-Oregon border.

In addition to raising bison on their California ranch, the Nation is working on the Sh'apash Landscape Restoration Project in Siskiyou County, California. Named after the site of a Modoc village near the ranch, the project will protect thirty-thousand acres from wildfires and restore the nature ecosystem of the area. The project hopes to increase the water quantity and quality from Mt. Dome into Lower Klamath Lake by reducing invasive weeds and Western juniper since the lake is in danger of drying up. The Nation will also work with CALFIRE, the California state firefighter agency, in conducting prescribed burns around the Modoc Nation ranch to remove weeds and help restore the

[450] *Blaiwas* Vol 1, Issue 3, Spring 2024, 4; *Blaiwas* Vol. 1, Issue 4, Winter 2024, 8; Untitled video on Ancestral Run, "Videos – Modoc Nation," Modoc Nation of Oklahoma, accessed August 28, 2024, https://modocnation.com/videos/.

ecosystem. Overall, the Nation is flexing traditional ecological knowledge to rehabilitate the natural environment [451]

With these land purchases and projects, the Modoc Nation is making a presence back in their ancestral territory. As then-Second Chief Robert Burkybile said to the *Herald and News* in 2022 over their most recent ranch purchase, "It's kind of another step towards coming home."[452] Indeed, the Modoc Nation has persevered and prospered, both in California and in Oklahoma.

[451] "Our Organization," Cal Fire, accessed January 11, 2025, https://www.fire.ca.gov/about/our-organization; Ken Sandusky, "Homelands," *Blaiwas* Vol 1, Issue 2, Fall 2023.
[452] Sandusky, "Homelands," 3-4; Alex Schwartz, "Modoc Nation purchases ranches near Sheepy Ridge," *Herald and News*, January 6, 2022, https://www.heraldandnews.com/news/local_news/modoc-nation-purchases-ranches-near-sheepy-ridge/article_0d7e6821-4915-585a-9675-89f5585024a9.html.

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